

# **The Clinical and Legal Management of Parental Alienation in the United Kingdom**

**FINAL REPORT**

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## About the authors

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Marilyn has also delivered accredited mediation training both at Foundation level and at Specialist level. Marilyn's interest in parental alienation and the impact on children of continuing conflict between separated parents stems from the many reports from parents she hears and sees in her day-to-day work, of behaviours which appear to be directed towards damaging the relationship with the other parent or drawing the child directly into the parental conflict. Such cases appear to be impervious to the standard mediation model and approach and remain unresolved even after numerous court appearances. Marilyn can be contacted at [marilyn@prime-resolution.co.uk](mailto:marilyn@prime-resolution.co.uk)

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# 1 Introduction

This report presents the findings of a research project reviewing the clinical and legal management of parental alienation (PA) as evidenced in high-conflict families, separation, and divorce. The research focused on the UK context (England and Wales) as a case study whilst recognising that the clinical and legal management of PA differs between countries. The authors are indebted to the anonymous donor of funding to the Parental Alienation Study Group (PASG) which allowed us to conduct this research. The PASG is an international, not-for-profit corporation with 700 members from 55 countries, mostly mental health and legal professionals, although there are also researchers and people affected by PA. The PASG aims to educate the general public, mental health clinicians, forensic practitioners, attorneys, and judges about PA. High on the agenda is developing and promoting research on the causes, treatment, evaluation and prevention of PA.

The authors of this report have combined experience as academics and lecturers, researchers, mediators and therapists; we have witnessed the significant impact of political, economic, social and technological changes on changing family systems and dynamics, and the characteristics of couples who present themselves for therapy, for mediation and for family court resolution. We are aware of the contextual factors where PA plays out.

**A note of caution:** the term ‘parental alienation’ is a contested one. The literature abounds with arguments for and against its use. Debating the use of this as a term is outside the scope of this research. The purpose of the research reported herein was not to conduct a linguistic discursive analysis of the use of language in the field of child maltreatment and abuse - rather this was a more pragmatic information gathering activity and an analysis of key players’ experiences and views. As there is a degree of shared understanding of PA in the research literature and in practice, we will use this term, whilst acknowledging there are differences of opinion on the subject.

Conceptualising parental alienation as a symptom of implacable hostility<sup>1</sup>, generally endemic in the divorcing population and often exacerbated by the court process, is a view shared by many authors; as is the concept of alienation as a description of certain behaviours which exist along a continuum, not necessarily rooted in individual pathology but in the perceptions of ‘the other’ rooted in the conflict dynamic.

Implacable hostility both replaced and became synonymous with the term parental alienation within the UK courts and legal processes for some time following Sturge and Glaser’s report (Sturge and Glaser, 2000) but since 2017, the term parental alienation has come back into use as a description of adult behaviours within a contested dispute over children (Doughty Maxwell, and Slater, 2018).

## **Our working definition of PA**

Our work is guided by the position that PA does exist, but we do not ascribe to a medical model conceptualisation which constructs PA as a syndrome or disorder. For the purposes of this research we have therefore used the following working definition for PA:

When a child’s resistance or hostility towards one parent is not justified and is the result of psychological manipulation by the other parent. Manipulating behaviours includes strategies to control or prevent contact, to denigrate the other parent, and/or to align the child with the alienating parent. Role distortion occurs between the alienating parent and child, where an unhealthy alliance positions the child as a partner to the parent.

## 1.1 The problem

Although there is growing recognition of parental alienation (PA) amongst legal, social and mental health professionals in the UK, there is little consensus on solutions to the problem. Cafcass (2019) has developed assessment tools to help practitioners in identifying if a child is experiencing alienation. However, these tools are not recommended as diagnostic tools and do not recommend therapeutic intervention. Recent developments in the proposed inclusion of PA and new diagnostic criteria in both the DSM-5<sup>2</sup> and ICD-11<sup>3</sup> came to nothing as the drafted amendments were followed by swift removal. Notably, the term 'parental alienation' was not used, rather alluded to in the form of three diagnoses: child affected by parental relationship distress; parent-child relational problem; and child psychological abuse. The National Institute for Health and Care Excellence (NICE), which provides evidence-based guidance for health and social care professions within the UK, currently does not recognise or offer guidance for working with PA. However, NICE does have clinical guidance on how to recognise the signs of child maltreatment in under-18s. Given the evidence of the consequences of PA (low self-esteem self-hatred, lack of trust, depression, anxiety, substance abuse and other addictions, abandonment issues and future relationship problems), there is a noticeable lack of guidelines for practitioners as to what might be appropriate interventions and which professionals would be best suited to deliver them (Baker & Darnall, 2006; Vassiliou & Cartwright, 2001; Baker, 2005; Woodall, 2017).

The clinical and legal management of PA in the United Kingdom will be explored in more depth in the literature review (Section 3) and also in the findings from an online survey (Section 4). First it is important to set the scene by describing the research process, beginning with an outline of the research aims and objectives, followed by methodological detail.

## 1.2 Research aim

The key aim of this research was to provide guidance for individuals making recommendations and decisions regarding child contact, such as family court judges, mental health evaluators, and child protection workers.

## 1.3 Research questions

Four research questions were posed in order to meet the research aims:

1. Is there evidence of therapeutic interventions being used successfully to deal with high conflict cases where one parent is exhibiting alienating behaviours and/or implacable hostility? If more widely available, could these provide a useful resource for family courts?
2. Is the distinction between 'justified' and 'unjustified' concerns the most helpful one, given that parties in conflict often perceive the other as a threat<sup>4</sup>? Would a more useful distinction centre on the parties' ability to respond to therapeutic/ educational interventions?
3. Given mediators' pivotal role in identifying cases that are unsuitable for mediation from those that require legal or social work intervention, how can they play an

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<sup>2</sup> <https://www.psychiatry.org/psychiatrists/practice/dsm>

<sup>3</sup> <https://icd.who.int/en>

<sup>4</sup> Domestic abuse does exist and the 'threat' can be real or perceived by either party.

- effective triage role within their current boundaries of confidentiality and privilege?  
Would this only be feasible in the event that PA is identified as a safeguarding issue?
4. What factors might contribute to the definition of PA as a safeguarding issue?

## 2 Methodology

The methodology for this research comprised two phases. The first was a literature review which sets the scene in terms of current knowledge, and an exploration of the evidence. The second was a national online survey which had two functions: i) to explore key stakeholders' experiences and views of the legal and clinical management of PA in the UK; and ii) to 'map and gap' therapeutic and mediation intervention provision in the UK. Each of these phases will be described in turn.

### 2.1 Phase 1: Literature review

To conduct the review, extant literature was searched, screened for inclusion, quality assessed and analysed. The aim was to provide a 'flavour' of the research literature, rather than to conduct a systematic review. The search strategy was based on the criteria shown in Table 1.

**Table 1: Literature search strategy**

<b>Definitions of key terms</b>	While there is no single legal definition, PA can be defined as when a child's resistance or hostility towards one parent is not justified and is the result of psychological manipulation by the other parent.
<b>Evidence type</b>	Systematic reviews, meta-analysis, grey literature including evaluation reports, legal and practice guidance.
<b>Scope</b>	Literature published from 2000 onwards to ensure contemporary evidence is captured; mainly UK but international literature where it added value/meaning; psychology, mental health, social work, law, family court settings/sectors.
<b>Databases</b>	MEDLINE, EMBASE, PsychINFO, CINAHL, Cochrane Database of Systematic Reviews, Database of Abstracts of Reviews for Effectiveness (DARE), International Bibliography of the Social Sciences (IBSS) and Google Scholar.
<b>Search terms</b>	Keywords/phrases: parental alienation, estrangement, hostility, family, parent, child, alienating parent, alienated parent, targeted child, legal management, clinical management, intervention, therapy, mediation, high-conflict, separation, divorce, qualitative, quantitative, systematic review. Search terms were combined using Boolean operators: AND, OR and NOT and using truncations and wildcards.
<b>Inclusion/exclusion criteria</b>	<p><b>Include studies/literature:</b> Published and readily available Published from 2000 to present Available in abstract only or full text Published in English language</p> <p><b>Exclude studies:</b> Parental alienation syndrome<sup>5</sup></p>

<sup>5</sup> With regards to Gardner's initial assertion of parental alienation being a syndrome, the use of the term 'syndrome' has widely been discredited, suggesting that there is insufficient evidence to support the validation of PAS as a construct, as it lacks an empirical foundation and there is no pathological



	Languages other than English
<b>Quality assessment</b>	It was not possible within the time available to conduct a formal assessment of the methodological quality of the evidence gathered. However, the research team informally applied the Critical Appraisal Skills Programme (CASP) quality criteria <sup>6</sup> during analysis, and a descriptive summary of the evidence is provided in the review.

### **Evidence extraction, synthesis and analysis**

Relevant evidence was extracted from the selected literature using CASP templates, which ensured a comprehensive and consistent approach. The template was tailored to the review questions and parameters, but included standard fields such as context and participants, study design and methods used, key findings, factors contributing to or inhibiting success and the quality of the review or study.

## **2.2 Phase 2: Scoping study – a national online survey**

Following receipt of ethics approval from the University of Wolverhampton, a JISC online survey (formerly Bristol Online Survey [BOS]) was developed with a questionnaire that was divided into five sections: 1) questions for respondents who work in the legal/social work sector; 2) questions for respondents who work in the mediation sector 3) questions for respondents who work in the therapeutic/counselling sector; 4) general questions for all respondents; and 5) demographic questionnaire. Information regarding informed consent was set out on the survey landing page. The survey questions can be found in Appendix I.

The survey was distributed along with a Participant Information Sheet to 59 organisations and individuals known for their professional standing in the field of family law, mediation and therapy. The list of proposed participants was developed from a number of discussions within the research team, professional networks and following completion of the literature review. The survey opened on 20 July 2020 and closed on 27 August 2020. Data from the online survey were both quantitative and qualitative, and were analysed with descriptive statistics and thematic analysis.

### **2.2.1 Sample**

The online survey received a total of 29 responses. Of these, nine (31%) respondents worked in the legal/social work sector (four of whom stated they were lawyers who worked for law firms (one of which operates in Spain), four (13.8%) in mediation, two (6.9%) in the field of therapeutic / counselling intervention, and 14 (48.3%) in 'other' fields that could not be classified as any of these. Of those who stated 'other', these included a retired psychiatrist and therapist who is now a coach and campaigner, an information and signposting supporter, a researcher, a Litigant in Person, four in the field of education, medicine, domestic abuse (DA) campaigner, parent support group worker, psychologist (partly as an expert witness, part offering therapeutic interventions), and psychologist/expert witness. Two respondents were self-employed (one of whom was a McKenzie Friend, Separation Coach and Mediator) and one worked nationally with child contact centres. Eleven (37.9%) respondents had been in their current or a related role for more than 14 years, seven (24.1%) for 9-11 years, four (13.8%) for 12-14 years, four (13.8%) for 6-8 years

basis (Kelly & Johnston, 2001; Meier, 2009; Walker & Shapiro, 2010). PAS is '*rejected by responsible social scientists and lacks solid grounding in psychological theory or research*' (Bruch, 2001a, p.550).

<sup>6</sup> See <http://www.casp-uk.net/find-appraise-act/appraising-the-evidence/>



and two (6.9%) for less than three years. One (3.4%) respondent preferred not to state how long they had been in their current role.

Respondents covered a wide geographical area of the UK, including Avon, Bedfordshire, Cheshire, Cumbria, Devon, Durham (County Durham), Essex, Greater London, Hertfordshire, Kent, Lincolnshire, London, Nottinghamshire, Shropshire, Somerset, Staffordshire, West Midlands and Worcestershire. Responses were also received from individuals who live in the USA and Spain, showing the broad reach of the online survey. Although our research was primarily focussed on the UK we chose to include these responses as they provided valuable insights.

Twelve (41.4%) respondents worked in cities, nine (31%) worked in towns, two (6.9%) in semi-rural areas, one (3.4%) in rural areas and five (17.2%) in remote areas. Eleven (37.9%) respondents were male, 17 (58.6%) female and one (3.4%) preferred not to state their gender. Twenty-four (82.8%) respondents stated they were White (which included White ethnic minority groups), one (3.4%) was Mixed/Multiple ethnic groups and one (3.4%) was 'Other' ethnic group (including Chinese). Three (10.3%) respondents preferred not to state their ethnicity.

In terms of age, 11 (37.9%) respondents were aged 51-60 years, six (20.7%) aged 31-40 years, four (13.8%) aged 41-50 years, four (13.8%) aged 61-70 years, two (6.9%) aged 70 years or over, one (3.4%) aged 18-30 years, and one (3.4%) preferred not to state their age.

Cafcass National Improvement Service team provided a written corporate response to the survey on behalf of its members.

## PART 1: THE LITERATURE REVIEW

## 3.1 Introduction to the literature review

### 3.1.1 Structure of the literature review

This section lays out the literature review in full. It begins with an exploration of what parental alienation (PA) is, before considering whether it is understood as a criminal offence in the UK. Following this the literature review continues in 3 main sections:

- 1) The legal management of PA
- 2) The role of mediation in PA
- 3) Therapeutic interventions for PA

Although for the sake of pragmatism, this report presents the review of legal, mediation and therapeutic evidence separately, it is difficult in practice to extricate one from the other – there will therefore be some necessary overlap between these main sections. Indeed this crossover is crucial to the assessment, management, and treatment of PA. Best practice recommendations usually describe a multi-disciplinary, coordinated approach with practitioners from all fields working together in the best interests of the child (e.g., Templer, Matthewson, Haines and Cox, 2016).

### 3.1.2 What is parental alienation?

There is no current consensus in the literature about what constitutes PA and there is a great deal of controversy about its very existence much of which, historically, has centred on the concept of an identifiable syndrome in children and adults who have been alienated against a parent. There is now a more general consensus that PA exists, separate from any consideration of a syndrome, and that it is of significant clinical importance - in terms of potential psychological damage to the child - to warrant intervention. Alienating behaviours include strategies to control or prevent contact, to denigrate the other parent, and/or to align the child with the alienating parent. Role distortion creates an unhealthy parent-child alliance in which the child becomes a partner to the parent. Parental opposition to contact is often presented as the parent simply representing the child's views and the indoctrinated child will, in time, support this with their own voice (Haines et al, 2020; Lowenstein, 2011).

It is now widely accepted that PA is a form of child emotional abuse. Before the literature review is presented, therefore, it is important first to examine the definition and statistics on emotional abuse.

### 3.1.3 Emotional abuse of a child

Practitioners have come to define child abuse based on the laws designed to protect children from harm. For example, the 2018 HM Government report *Working Together to Safeguard Children*<sup>7</sup> defines 'child emotional abuse' as:

*'The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may*

<sup>7</sup> <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

*feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone' (p.103).*

A child (anyone who has not yet reached their 18th birthday) may be emotionally abused by an adult or adults, or by another child or children. This is consistent with Article 1 of the United Nations Convention on the Rights of the Child (UNCRC), which states that everyone under the age of 18 years has all the rights in the Convention (Office for National Statistics [ONS], 2020, pp.2-3).

The report *Child Emotional Abuse in England and Wales: Year Ending March 2019* (ONS, 2020<sup>8</sup>) gives an indication of the scale of the problem in the UK.

- 'The Crime Survey for England and Wales (CSEW) estimated that 1 in 11 adults aged 18 to 74 years experienced emotional abuse before the age of 16 years (3.8 million people); this includes perpetrators aged 16 years or over only.
- The abuse was most commonly perpetrated by the child's parent(s); around 5 in 10 were abused by their mother, around 4 in 10 were abused by their father.
- Emotional abuse was the most common category of abuse for the child protection register (CPR) in Wales (1,295 children at 31 March 2019) and the second most common for child protection plans (CPPs) in England (18,460 children).
- Childline delivered 3,925 counselling sessions to children in the UK where emotional abuse was the primary concern in the year ending March 2019.
- Emotional abuse is the only type of abuse to see an increase in Childline counselling sessions from the previous year, in contrast to the decrease for all other types of abuse; increased public awareness of the damage caused by emotional abuse is thought to have contributed to this increase' (ONS, 2020, p.2).

### 3.1.4 Is parental alienation a crime in the UK?

Since the Serious Crimes Act (SCA) 2015, amending Section 1 of the Children and Young Persons Act (C&YPA) 1933, which came into force on 3 May 2015, Section 66 of the SCA subsequently made all forms of child psychological abuse a criminal offence. Under a Freedom of Information (FOI) request to the Crown Prosecution Service (CPS) in February 2018<sup>9</sup>, the following questions were posed: 'Since its introduction, how many cases for psychological abuse of a child have been brought to the CPS for consideration?; of those cases, how many prosecutions for this offence have been brought?; and how many convictions have been secured for psychological abuse of a child?' The response is presented in Table 3.

**Table 3: Offences charged under the Children and Young Person's Act 1933 (s1) and reaching a first hearing at Magistrates Court**

Year	2015-2016	2016-2017	Apr-Sep 2017
Number of offences	2335	2254	1257

<sup>8</sup> This report was written in collaboration with the Department for Education (DfE), Home Office, National Association for People Abused in Childhood (NAPAC), National Society for the Prevention of Cruelty to Children (NSPCC) and the Welsh Government.

<sup>9</sup> See [https://www.whatdotheyknow.com/request/prosecutions\\_for\\_child\\_cruelty\\_u](https://www.whatdotheyknow.com/request/prosecutions_for_child_cruelty_u)

A cautionary note: These numbers relate to offences that reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation. Offences data are not held by the CPS by defendant or outcome. Official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice (MoJ). However, it is interesting to note how the number of cases reaching a first hearing reduced considerably between 2015 and 2017.

It has been argued that failure to report a disclosure, suspicion, allegation or evidence of child abuse by an adult to the appropriate authorities, i.e., child protection services, the National Society for the Prevention of Cruelty to Children (NSPCC) or even the police can be defined as negligence (Norwin-Allen, 2017). However, there is no legal duty on an individual to report abuse, except when a person may be under a duty to report by virtue of their employment.

Some commentators believe that, within the statutory definition of controlling or coercive behaviour in an intimate or family relationship, PA is a crime under Section 76 of the Serious Crime Act 2015. However, given the wording within the legislation it is not, or it could be argued that it is contradictory and open to jurisprudential interpretation. Section 76 of the Serious Crime Act 2015 states that controlling or coercive behaviour in an intimate or family relationship is a crime if the following applies (selected sections only have been chosen for the purpose of this explanation):

- (1) A person (A) commits an offence if—
  - (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
  - (b) at the time of the behaviour, A and B are personally connected,
  - (c) the behaviour has a serious effect on B, and
  - (d) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A and B are “personally connected” if:
  - (a) A is in an intimate personal relationship with B; or
  - (b) A and B live together, and
    - (i) they are members of the same family.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question:
  - (a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act); and
  - (b) B is under 16 [however, see Box 1 which would appear to mean that PA *is not* included].

**Box 1: 17 Interpretation of Part I of the Children and Young Persons Act 1933**

- (1) For the purposes of this Part of this Act, the following shall be presumed to have responsibility for a child or young person -
- (a) any person who:
    - (i) has parental responsibility for him (within the meaning of the Children Act 1989); or
    - (ii) is otherwise legally liable to maintain him.

- (4) A’s behaviour has a ‘serious effect’ on B if:

- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
  - (b) it causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities ....
- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if:
- (c) they are relatives;
- (7) In subsection (6):
- 'Relative' has the meaning given by section 63(1) of the Family Law Act 1996 [see Box 2 which would seem to mean that parental alienation *is* included]

**Box 2: Section 63 of the Family Law Act 1996**

Interpretation of Part IV

(1) In this Part, 'relative', in relation to a person, means -

- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person.

While the debate continues around whether the current family law system in the UK (and elsewhere) remains fit for purpose in competently and effectively dealing with cases where PA is a feature, the concern for many must surely be whether, in fact, attempts to use criminal law in such cases would be equally ineffective. For instance, whilst a prosecution under the SCA 2015 s1 of the C&YPA 1933 may be attempted (and likely fail due to assumptions and interpretations of legislation, the impact of this on the child may be just as detrimental as the psychological splitting (European Association of Parental Alienation Practitioners [EAPAP], 2019) that can result from the alienation process itself.

A petition to introduce a law that recognises PA as a criminal offence in the UK was submitted to the Conservative government during 2017–2019 which included 15,083 signatures<sup>10</sup>. The Government responded on 9 May 2019 to the effect that:

*'We do not believe that it is necessary to introduce a criminal offence against parents who alienate their child against the other parent as the court can take effective action against such behaviour'.*

And therein lies the rub. Family courts do not seem to 'hear' academic and specialist practitioner evidence - neither does the UK government. But many professionals seeking new ways of addressing current debates argue that legislation already exists which prohibits parental alienation, in that:

*'Parents are already accountably responsible for dealing with and reporting serious safeguarding concerns for their children, and for supporting their children's relationship after separation with the other parent and wider family. Both of the above failures by a parent may amount to 'emotional abuse' or 'psychological maltreatment'. But there is no need to create a further argument for change in those terms. The law already covers the specific behaviours' (Child, 2020).*

<sup>10</sup> <https://petition.parliament.uk/archived/petitions/249833>



## 3.2 The legal management of parental alienation

### 3.2.1 Introduction

In the UK, cases of PA normally come to light during family law procedures when separated, divorced or bereaved families cannot agree on how to raise a child between them and may consider their only recourse is to the family law system. Before this section enters into a review of the literature on the legal management of PA, it is important to set the scene in relation to how the UK family court system purports to serve the best interests of the child.

### 3.2.2 The family court process for child arrangements cases

This section presents an overview of the initial process for bringing child arrangements cases into the UK family court system<sup>11</sup>. Parents or carers of children are generally able to start family court proceedings without permission but in the case of grandparents and other family members, there is an additional earlier stage in which leave (permission) to apply for a Child Arrangements Order must be sought from the Court.

Before making an application to Court, it is a legal requirement that all applicants must first attend a Mediation Information and Assessment Meeting (MIAM) unless they are exempt<sup>12</sup>. The aim of a MIAM is to explore if the problem can be settled by mediation. If the case is not suitable for mediation or it cannot progress, the mediator will confirm this in writing to allow applicants to apply.

Following this, the Applicant has to issue a written application to the Court which then sets a timetable in motion. At least 14 days before the first Court hearing (which is set by the Court), the Applicant must serve the documents on the other party. The Court may do this if the Applicant has no lawyer. The Respondent should acknowledge receipt of the documents and respond. Once the application has been issued, Cafcass begins basic safeguarding enquiries with both parties, the Police and Social Services. It is important here to set out what Cafcass is and what it does.

#### 3.2.2.1 Cafcass

Cafcass is the largest employer of qualified social workers in England with over 1,500 frontline practitioners, 464 corporate professionals (senior managers, business services and specialist staff) and six senior leaders (directors and CEO). Cafcass uses flexible (bank/sessional), agency staff and self-employed contractors as required to help manage demand. Cafcass independently advises the family courts in England about what is safe for children and in their best interests (Cafcass Cymru in Wales). It operates within the law set by Parliament (Criminal Justice and Court Services Act 2000) and under the rules and directions of the family court. All Cafcass' work is court-ordered, their role is to:

- Safeguard and promote the welfare of children;
- Give advice to the family courts;

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<sup>11</sup> The full practice direction is available at: [https://www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_12b#pagetop](https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12b#pagetop)

<sup>12</sup> For MIAM exemptions see: <https://www.familymediationcouncil.org.uk/family-mediation/assessment-meeting-miam/miams-exemptions/>

- Make provision for children to be represented; and
- Provide information, advice and support to children and their families.

They may be asked by the court to work with families in two main areas:

- **Private law** - including arrangements for children after parents have divorced or separated. In these cases, a Cafcass social worker will be appointed by the court to act as a Family Court Adviser (FCA). Their job is to provide information to the court about what is needed for a safe decision to be made about arrangements for who the child lives and spends times with, and what is in their best future interests.
- **Public law** - including care applications where a local authority has serious concerns about the safety or welfare of a child. In these cases, a Cafcass social worker will be appointed by the court to act as a Children's Guardian, whose job is to work alongside the local authority to make sure that the plan for that child is in their best interests and will secure a safe outcome for them.

Legal decisions in child arrangements cases are made according to the welfare principle in Section 1 of the Children Act 1989, the child's welfare being the court's overriding consideration. Welfare principles that the court considers include:

- *'the ascertainable wishes and feelings of the child concerned (considered in the light of his [sic] age and understanding);*
- *his [sic] physical, emotional and educational needs;*
- *the likely effect on him [sic] of any change in his [sic] circumstances;*
- *his [sic] age, sex, background and any characteristics of his [sic] which the court considers relevant;*
- *any harm which he [sic] has suffered or is at risk of suffering;*
- *how capable each of his [sic] parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his [sic] needs; and*
- *the range of powers available to the court under this Act in the proceedings in question<sup>13</sup>.*

This, then, is the current process for bringing a child arrangements case before the family court in the UK. However, in the current climate of the UK leaving the EU (Brexit), a statement has been prepared to provide a post-Brexit update to UK family law, changes that will take place from 1 January 2021:

*'The UK will not be a party to any EU family laws after December 2020, whether a bespoke family law agreement or any other UK/EU arrangement... The replacement, substitute, will be UK national law or international laws such as Hague Conventions... There is no change until the end of December 2020 in existing law or procedures... There will be no negotiations with the EU for any ongoing, continuing EU family law to take effect in UK law in January 2021... We will be relying on a combination of domestic law, both existing and introduced in expectation of a no deal, and other international laws, primarily Hague Conventions'* (Hodson, D. 19.03.20, UK/EU family law from 1 January 2021: an update<sup>14</sup>).

<sup>13</sup> <http://www.legislation.gov.uk/ukpga/1989/41/section/1>

<sup>14</sup> [https://www.familylaw.co.uk/news\\_and\\_comment/uk-eu-family-law-from-1-january-2021-an-update](https://www.familylaw.co.uk/news_and_comment/uk-eu-family-law-from-1-january-2021-an-update)

### 3.2.3 What the literature tells us about the legal management of parental alienation

This section will begin by presenting an overview of an important recent case ([Re S Parental Alienation: Cult](#)) heard in the UK Court of Appeal on 29 April 2020 by Lord Justice McCombe, Lady Justice King and Lord Justice Peter Jackson. A significant judgement was delivered which makes salient the harm that can come to a child via PA. This exemplar case and other research (Poustie, Matthewson and Balmer, 2018) shows that serious delays in family court procedures can exacerbate the continuation of alienating behaviours and cause them to become entrenched, both within the alienator and the child.

Sections have been selected and edited for simplicity.

*'13. In summary, in a situation of parental alienation the obligation on the court is to respond with exceptional diligence and take whatever effective measures are available. The situation calls for judicial resolve because the line of least resistance is likely to be less stressful for the child and for the court in the short term. But it does not represent a solution to the problem. Inaction will probably reinforce the position of the stronger party at the expense of the weaker party and the bar will be raised for the next attempt at intervention. Above all, the obligation on the court is to keep the child's medium to long term welfare at the forefront of its mind and wherever possible to uphold the child and parent's right to respect for family life before it is breached. In making its overall welfare decision the court must therefore be alert to early signs of alienation. What will amount to effective action will be a matter of judgement, but it is emphatically not necessary to wait for serious, worse still irreparable, harm to be done before appropriate action is taken. It is easier to conclude that decisive action was needed after it has become too late to take it.'*

The judgement goes on:

*'Another recent example is Pisica v Moldova (Application No 23641/17) 29 October 2019, where a mother was deprived of contact despite five years of proceedings during which she had obtained orders for the children to live with her. Finding a breach of Article 8, the ECtHR<sup>15</sup> stated: ...*

*73. It is against this background of increasing alienation of the two children from the applicant that from July 2013 she asked the court to decide the custody case in a swift manner. Despite this request and her many complaints about P.'s actions, the first-instance court took a year and a half to decide [...] This added to the overall period during which the applicant did not have meaningful contacts with her two children, while P. continued to be able to alienate the children from her [...]. This delay in deciding the case is contrary to the principle of exceptional diligence referred to in [...] above.'*

Across the world, it has been argued that the context for post-separation intervention is private family law, however *'there is also widespread dismay at the slow ineffectual way family law systems often mishandle PA'* (Child and Marcus, 2020, p.1). *'Delay is the biggest enemy of the lot'* (Wildblood, 2017).

In an analysis of this case, Woodall (2020) states that:

*'When cases are managed in this way, children who are enmeshed with the narratives of psychologically unwell parents, are protected as a first priority. The influencing parent is constrained which makes treatment of the split state of mind in the child possible ... Just as in*

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<sup>15</sup> European Court of Human Rights

*non-accidental physical injury, this is a child protection approach to case management which sets a precedent in the UK, as such it is to be welcomed.'*

Doughty, et al. (2018) conducted a review of international literature and case law which fed into the development of guidance in Wales. That review revealed a dearth of reliable evidence on the concept of PA, its prevalence, effects and measures for intervention. It was concluded that there are insufficient numbers of published judgments on PA to identify any patterns in decision-making. Whilst judgments tend to be fact-specific, the following points were drawn:

- *'Courts will not allow the implacable hostility of one parent to deter them from making a contact order where the child's welfare otherwise requires it. In such a case, contact should only be refused where the court is satisfied that there is a serious risk of harm if contact were to be ordered.'*
- *In some very exceptional cases, where the non-resident parent's behaviour cannot be criticised, the effect on the child of ongoing contact proceedings is such that the court will decide those proceedings should not continue.*
- *Where allegations of parental alienation are made, the court will need to record a determination of the facts, or risk an unnecessary appeal.*
- *There is no blanket solution, but outcomes are more likely to meet the child's needs where there is:*
  - *Early resolution of disputed facts about domestic violence.*
  - *Early intervention where alienation appears to be an issue.*
  - *Early consideration of r 16.4 orders.*
- *As spelt out in Re J [2018] EWCA Civ 115, judicial determination of allegations is required before a s7 report can advise the court on the child's welfare.*
- *An order for transfer of residence will entail very close attention to the welfare checklist'* (Doughty, et al., 2018, pp. 35-36).

This report goes on to state that one of the key implications for practice is that:

*'Where a court does make a finding of parental alienation that amounts to a risk of emotional harm (short of significant harm), family court advisers need to be cautious in assessing or recommending a particular intervention because the evidence base for interventions is very limited'* (Doughty, et al., 2018, pp. 43-44).

Subsequent research draws upon recent developments to discuss progress being made in practice to counter myths about PA with the authors considering how best to support practitioners in resisting pressures to conform to such powerful narratives (Doughty, et al., 2020). However, concerns relate to the absence of thorough DA screening in family law cases, the potential misuse of PA theory to discount adverse child experiences and to ignore adult and child safety issues (Saunders, 2016; Smith, 2016; Neilson, 2018).

Prior to this, a report of the first ever empirical study of enforcement of court Orders to inform policy-makers about the nature of the cases or the approach of the family courts concluded that:

*'There was a serious mismatch between the number of children described as at risk of emotional abuse and the number of children who were offered any form of support or counseling'* (Trinder, Macleod, Pearce, Woodward and Hunt, 2013, p.5).

This omission, the authors argue, must be addressed. This evidence raises important questions of the utility of Cafcass' (and others') measures of PA and even the usefulness of family court decisions where alienation is a factor.

Lowenstein (2008) concurs with many others (e.g., Knight, 2005; Anthony, 2005) that the implacable hostility between separating parents inevitably leads the parent with residency to alienate the child from the absent parent. The problem for families is that the courts generally take into consideration implacable hostility but do not seem to give much weight to the impact this has on the child in terms of alienating behaviours. Lowenstein (2008) argues for a stronger connection between the two by pointing out that not only was PA not identified in psychiatric handbooks at that time (the reason for court non-acceptance), but neither is implacable hostility (which courts readily accept). The difference between implacable hostility and PA is that in cases of PA, the custodial parent allies him or herself with the child and sometimes even draws in members of the extended family to demonize the non-custodial parent and block access, thereby breaking down the relationship between the child and the non-custodial parent. One clearly follows the other, yet the courts mostly fail to see this. Lowenstein (2008) presents 28 signs that can be observed by solicitors, Social Workers, FCAs and Judges, and states that:

*'It is important for psychologists or psychiatrists or anyone acting as an expert witness to be aware of these undercurrents of activity going on and not merely accept the version that the child gives of not wishing contact with the absent parent. Frequently the courts will listen to what the child wants or says and abide by this without deeper examination of the facts behind such decisions by children' (Lowenstein, 2008).*

Two decades ago, it was argued that the discretion given to trial judges in determining admissibility should be re-evaluated and a new rule of evidence for social science testimony adopted (Zirogiannis, 2001). For example, evidence of a child's alienation from a parent should be admissible in child custody proceedings through receipt into evidence of a forensic evaluation report that details alienation and describes judicial management and treatment recommendations to address it.

Recently, Barnett (2020) explored the emergence and development of PA in England and Wales and considers the background into which it first appeared in private law proceedings concerning children. Barnett examines how PA progressed in case law through the changing political and discursive context of private family law between 2000 and 2019. In this context, PA emerged in family court proceedings and in political and popular arenas in response to concerns about and measures to address DA. The case law examined by Barnett revealed a high incidence of DA perpetrated by parents who were claiming that the resident parents had alienated the children against them. Barnett (2020) goes on to assert that a PA industry comprising experts, therapists and lawyers has arisen, all advocating the transfer of children's care from alienating parents to non-resident parents, as well as PA therapy for children and parents. Transfer of residence to the safe parent, it has been argued, is a natural course of action (Berglas, 2017). Such reviews of case law, however, show no evidence of depth of scrutiny of parenting practices, for example the closeness of the parent-child relationships and warmth on either side.

Bernet (2019), speaking at the Third International Conference of the Parental Alienation Study Group (PASG) in Philadelphia, describes the value placed on the ability of scientific knowledge to converge from several directions toward a coherent theory of PA. Bernet values debate and scholarly discussion, e.g., on the best interventions for different levels of severity of PA and the importance of state legislature adopting a preference for shared parenting in child custody disputes. The issue here is the lack of agreement on the legal management of PA. Yet at the same time, Joshi and Lorandos (2019) claim that when presented with proper and compelling evidence, courts in the USA have ordered appropriate interventions, including change of custody and specialist mental health intervention and even



incarceration in serious cases. This review found no literature or case precedent citing incarceration as an outcome for alienating parents in the UK.

A recent systematic review of ten articles on PA was conducted by Templer, et al. (2016) to determine best practice for therapists and legal practitioners in ameliorating PA. The review found that changes in residential arrangements in favour of the targeted parent are effective in reducing PA. Importantly, the review also found that a coordinated approach between legal practitioners and therapists is important in resolving PA.

However, transfer of residency as a solution has its critics. For example, it has been argued that legal systems that remove a parent from a child's life by means of sole custody or primary residence Orders are contributing to PA. Laws that make shared parenting the default parenting plan, a legal sanction that children have two primary parents, can potentially serve as a buffer against PA because it limits the abuse of power that can occur when a parent has primary custody (Harman, Kruk and Hines, 2018).

At the end of the child arrangements proceedings, both parties have the option to take the stand and present their case by being cross-examined, usually by a barrister. However, being on the witness stand requires the confidence and skills that many targeted parents simply do not possess. The court has its own strict set of rules and guidelines that must be followed but this can have the effect of interfering with the targeted parent's ability to make their case as best they can (Sparkman, Bossory and Lorendos, 2019). The difficulty lies in the targeted parent's ability to remain calm and present the facts in a well-balanced manner in the presence of the alienator which can often prove distracting and anxiety-causing.

### 3.2.3.1 The centrality of the child in family court proceedings

Article 12 of the United Nations Convention on the Rights of the Child 1989<sup>16</sup> declares that:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceeding affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The views of the child are hence enshrined in law. However, in practice this can prove to be contentious and certainly not appropriate. It has been argued that the current focus on hearing the child's voice in social research - but more so in family law - can be ambiguous. Komulainen (2007) argued that the contemporary discourse on listening to children is plagued with practical and ethical ambiguities that result from the 'socialness' of being human. The child's voice is a powerful rhetorical device, but often socially constructed by those around them and by those who interpret their words. In the context of PA, the child's voice can be construed as being that of the alienator's voice, as the child has become enmeshed in a culture of hate and blame, led by a campaign of denigration and brainwashing by the alienating parent, and the child reproduces the alienator's voice as one of very few means of safety and survival. So, in the context of alienating behaviours, *'the child who is capable of forming his or her own views'* is almost an oxymoron.

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<sup>16</sup> <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



Challenges exist to the increasing orthodoxy of weight courts place upon the expressed views of children in high-conflict contact disputes. As a child psychiatrist who acts as an expert witness within family courts in England and Wales, Weir (2011) conducted a statistical analysis of cases of assessments of children caught in disputes between their separated parents. Fifty-eight children met the criteria for inclusion in the study; that being their consistent opposition to contact with the non-resident parent, despite the Court having determined that there was no good reason to prevent contact. Weir's (2011) assessment routinely included attempted observation of the child at a visit with the non-resident parent. A statistical association was found between increased resistance to contact, the greater the age of the child and the longer the time during which no contact had occurred. However, the responses of children and young people were unpredictable. For example, despite their stated views, most children had a positive experience in those visits, despite the fact that most had not seen the non-resident parent for a long time. It was therefore impossible to conclude that apparent maturity or intelligence was a guide to the reliability of their expressed resistance. The study concluded that courts should exercise caution when evaluating the views of children in this situation, and emphasises that assessors should consider including at least one observation of the child at a prolonged visit to the non-resident parent. Because of this orthodoxy on the child's right to have their voice heard within the court process, some parents may be tempted to misuse their child's right in order to achieve their own ends. Practitioners who advise courts must be more aware of these difficulties (Weir, 2011).

Head (1998) showed how the voice of the child has come to prominence in decision-making against the background of changes in emphasis between family rights and child protection viewpoints, reflected in 20th-century legislation on family matters. Head (1998) argues that the role of the FCA is central to the evaluation of the child's views - which are not always straightforward - and they must be viewed in tandem with a professional assessment of the child's best interests. This article concludes that the child's voice cannot be the deciding factor in decision-making; adults cannot contradict or override their responsibility to make reasoned decisions, based both on children's wishes and feelings but also on other factors which children, in their immaturity, cannot appreciate. The literature and case study examples discussed in this review provide evidence to suggest that some current decision-making in UK family courts is no different to that which Head presented more than 20 years ago.

Research by Weatherall and Duffy (2008) investigated how children's interests and their rights are safeguarded through the representation of social workers in reports prepared for Court following parental separation disputes. Findings, however, identified factors that impinge on the accuracy of social workers' reports when representing children's views and promoting their rights. These factors relate to organisational priorities, lack of therapeutic intervention for children, variation in social work practice, lack of training for social work staff in this area and, consequently, the need to increase confidence and support for social work staff undertaking this work (Weatherall and Duffy, 2008).

Many agree that solicitors, social workers, FCAs and judges who insist on believing the projections of the alienator which are voiced through the child are actually exacerbating the harm done to children (Kloth-Zanard, 2012; Woodall and Woodall, 2019; Woodall, 2020). Ludmer (n.d), in particular, is against the appointment of legal counsel for children in contested cases, and argues that asking children to voice their opinions risks drawing the child further into the already harmful dispute between the parents, and may also contribute to an alliance of one parent and child against the other parent, or even against other children and wider family members. The author goes on to state that *'the potentially most damaging option of all the methods [of hearing the voice of the child] is appointing counsel for a child'*

(Ludmer, n.d., p. 2), the reasons being that the child's solicitor is mostly governed by organisational requirements thereby often closing cases prematurely, but also that:

*'...the role of counsel for a child is to be an advocate and not a guardian acting in the child's best interests. This creates a difficult dynamic where children are elevated almost to the position of parties in their parents' litigation, often becoming over-empowered and triangulated into their parents' disputes, with the result that the child's relationship with one parent is damaged'* (Ludmer, n.d., p.2).

In the UK, at least, the solicitor for a child does not usually meet with the child and so are not best placed to advocate on their behalf – this is the role of the FCA but, as this review shows, this is not always the best option due, sometimes, to limited competence. Furthermore, the solicitor for the child may not have a thorough and recent understanding of the extent of the child's suggestibility and, importantly, the risk of manipulation by the resident parent in the course of a contested child arrangements dispute.

Even now, both child protection and public child law systems in the UK assume a child-centred approach to be at the heart of its work with children, as enshrined in The Children Act 1989 (HM Government, 1989), specifically that the child's welfare is paramount and there should be no delay in relation to the completion of proceedings and that the court shall not make an order unless to do so would be better for the child than making no order. However, James and Lane (2018) argue that comprehensive reviews of the child protection system, the family justice system, and research findings present a picture that challenges this assumption. Increasingly, they argue, the focus on the child's life and welfare is hampered by professionals' lack of time and resources to enable them to establish a meaningful and trusting relationship with the child. If they cannot do this, they cannot gain true insight into the child's world from the child's perspective. A level of connectedness is required only by providing children with space and time to develop trust in - and meaningful relationships with - those professionals who are charged with representing and giving due weight to their true wishes and feelings (James and Lane, 2018).

Increasingly, lawyers for children who follow this client-centered (as opposed to best interests) model can create an ethical dilemma for the child's lawyer in cases where a child is alienated from a parent. Some seriously alienated children can strongly - and unreasonably - express a preference for representation that might further damage the alienated parent's relationship with the child. Rosen (2013) suggests that when a child is truly alienated from a parent, as diagnosed by a mental health expert, the child may have diminished capacity and, therefore, the client-directed model of representation is not adequate. Rosen (2013) proposes that the child's lawyer must determine whether the child is of diminished capacity and, if so, must treat the client accordingly (Gillick Competence). Specifically, the lawyer may, if all other remedial measures are inadequate, override the child's wishes and advocate a position that the child would take, but for the brainwashing of the child used to alienate them from a parent (Rosen, 2013).

When considering the neuroscience of PA, children become more susceptible around the ages of 11 to 12 years. Counsel may therefore be speaking with a child who is developmentally much younger than their chronological age. In both instances, counsel is not obtaining any independent mature views of the child. Ludmer (2020) argues that the current emphasis on giving due respect to the voice of the child is misplaced. Appointing counsel for a child is the most intrusive and least developmentally sensitive method of obtaining children's views and preferences. This is because it is a highly paid 'zealous advocacy' role, as opposed to a role advancing the child's best interests (Ludmer, 2020).

At this point, it is worth citing directly from The Voice of The Child<sup>17</sup>:

*'In a Family Law system designed for combative parents there is no real allowance for the views of children and any understanding of how Family Law ultimately impacts on children most of all'.*

The evidence presented is therefore clearly opposed to 'hearing the child's voice', especially in cases of PA. However, despite the apparent centrality of the child in family court proceedings, a recent literature review found that whilst there are retrospective accounts of children who have since grown up after being alienated from a parent in childhood, no research in England and Wales has explored the experiences of children who refuse contact, while they are still children (Doughty, et al., 2020), showing a substantial gap in knowledge.

Furthermore, since 2013, the reduction in eligibility for legal aid in contact cases (except in cases of DA) has led to fewer parents being able to access legal representation. Parents must satisfy the DA criteria and financial means testing to qualify for private family law legal aid. If they do not satisfy these requirements, they can be left vulnerable and unfamiliar with how to present evidence in court about their child's views (Mant and Wallbank, 2017). Marcus (2020) has recently provided written evidence to the House of Commons Justice Committee on the future of legal aid, stating that:

*'Legal aid should not be regarded as a welfare benefit that can be granted or removed according to budgetary constraints, especially where the savings in the cost of representation are far outweighed by the increase in cost to the state of expansion of court staffing and/or the excessive delays in finishing cases' (Marcus, 2020, p.3).*

### 3.2.3.2 Training for the judiciary

In the UK, the Lord Chief Justice and Senior President of Tribunals are responsible for training the judiciary, and it does this through the Judicial College which is directly responsible for training full (salaried) and part-time (fee-paid) judges who are authorised to hear private family law and public family law cases in courts in England and Wales. Induction courses are provided for judges newly authorised to hear private family law and public family law cases in the county court, and for the district bench of the Family Proceedings Court. They are both 4-day residential courses consisting of small group work and lectures.

Continuing education for the family jurisdiction is provided through a number of different options that will assist those who sit in either (or both) private or public family law. A seminar is also provided for those who sit in the Family Division of the High Court.

Section 17 of the Strategy of the Judicial College 2018-2020 states that, *'All judicial office holders will undertake continuing training but wherever feasible will have choice in the elements which meet their training needs'* (Judicial College, 2017, p.3). A search of the College prospectus (Judicial College, 2019), however, finds no mention of PA. This does not mean that they do not receive training in PA but it does mean that any training they do receive is not formalised and widespread. Lack of specialist training for the judiciary and court actors can lead to serious misunderstandings that can have far-reaching consequences for the child. This is a serious omission and perhaps accounts for the reason behind the furore of both families and experts in PA when cases go wrong. Miller asserts:

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<sup>17</sup> <https://voiceofthechild.org.uk/kb/cafcass-training-on-their-new-child-impact-assessment-framework/>

*‘Alienating parents tend to present well; targeted parents tend to present poorly. As a rule, alienating parents present with the Four C’s. They are cool, calm, charming, and convincing. That is because effective alienators tend to be master manipulators ... In contrast, targeted parents tend to present with the Four A’s. They are anxious, agitated, angry, and afraid. That is because they are trauma victims. They are attempting to manage a horrific family crisis, usually without success, often while being attacked by professionals who fail to recognize the counterintuitive issues. Indeed, non-specialists often get these cases backwards’* Steven G. Miller, M.D., Massachusetts, USA (source: Karen Woodall’s Blog Article: Removing the Masks: The Necessity of the Counter-Intuitive in Parental Alienation<sup>18</sup>).

### 3.2.3.4 Training for Cafcass and Social Workers

In England, Cafcass represents children in family court cases ensuring that children’s voices are represented and that decisions are made in their best interests. Due to the importance of this work for children and families it is imperative that Cafcass Social Workers and FCAs are highly trained. Table 2 presents the number of cases received by Cafcass, highlighting the trends across months and years.

**Table 2: Number of national private law cases received by Cafcass per month<sup>19</sup>**

	2016-17		2017-18		2018-19		2019-20		2020-21	
	Case s	Childre n	Case s	Childre n	Case s	Childre n	Case s	Childre n	Case s	Childre n
<b>Apr</b>	3,466	5,173	3,133	4,705	3,463	5,233	3,609	5,436	2,621	3,634
<b>May</b>	3,169	4,773	3,627	5,524	3,638	5,606	3,854	5,927		
<b>Jun</b>	3,481	5,252	3,814	5,777	3,392	5,148	3,619	5,541		
<b>Jul</b>	3,373	5,072	3,615	5,436	3,684	5,714	4,271	6,504		
<b>Aug</b>	3,437	5,216	3,640	5,487	3,942	5,987	3,741	5,739		
<b>Sep</b>	3,494	5,236	3,548	5,494	3,428	5,213	3,728	5,730		
<b>Oct</b>	3,377	5,102	3,813	5,798	3,979	6,027	4,285	6,516		
<b>Nov</b>	3,491	5,241	3,744	5,714	4,015	6,057	3,962	6,082		
<b>Dec</b>	2,842	4,302	2,741	4,145	3,047	4,731	3,229	4,942		
<b>Jan</b>	3,239	4,894	3,507	5,290	3,558	5,453	4,049	6,110		
<b>Feb</b>	3,328	4,994	3,088	4,718	3,631	5,561	3,861	5,870		
<b>Mar</b>	3,810	5,691	3,526	5,399	4,068	6,135	3,427	5,192		
<b>Total</b>	<b>40,507</b>	<b>60,946</b>	<b>41,796</b>	<b>63,487</b>	<b>43,845</b>	<b>66,865</b>	<b>45,635</b>	<b>69,589</b>	<b>2,621</b>	<b>3,634</b>

What is observable in Table 2 is the relatively low number of cases in the month of December across all years which can be seen, generally, to increase in the months of

<sup>18</sup> <https://karenwoodall.blog/2018/07/22/removing-the-masks-the-necessity-of-the-counter-intuitive-in-parental-alienation>

<sup>19</sup> Accessed from: <https://www.cafcass.gov.uk/about-cafcass/research-and-data/private-law-data/>

March. This trend would seem to indicate that workloads may drop off before the Christmas holiday period which is worrying as this is perhaps the worst time of the year for families to experience difficulties. More might be done by lawyers and family courts in the months leading up to the Christmas period rather than winding down at this time.

In order for a social worker to become a FCA in the UK, Cafcass requires applicants to have a minimum of three years post qualified experience which includes working with highly vulnerable children and families. They also need to be an expert in safeguarding, child engagement, inter-agency working, case analysis, planning and recording, and registered with Social Work England<sup>20</sup>. The Professional Capabilities Framework (PCF) is the overarching framework of social work education and professional development in England. This framework has nine levels of experience which includes being a newly-qualified social worker through to experienced, advanced and finally strategic. The requirement of three years post qualified experience means that, in effect, a social worker who qualifies from an undergraduate award at age 21 can become a FCA at the age of 24 years. There is an argument to suggest that, given the sheer complexity and dynamics of human interpersonal behaviour when relationships go wrong, some FCAs may not have the depth of life experience, understanding and competence to be in a position to provide the level of expert advice required by family courts: children's lives are literally in the hands of potentially very inexperienced and naïve FCAs.

Kloth-Zanard (2012) summarises the last two sections, by asserting that family court actors do not have sufficient knowledge and understanding of, and training in, PA that would bring about effective intervention and even its eradication for separating families.

*'Therapeutic Jurisprudence (TJ) or as I like to call it Therapeutic Jurisdiction is a concept involving the mental health damages incurred during a legal matter. The concern is that the adversarial nature of court proceedings and legal issues causes unnecessary emotional/mental damages caused by the present court systems rules, procedures, attorneys and judges. This is why I call it Therapeutic Jurisdiction as I feel the counselors should be the ones to help determine if the system and it's [sic] players were on track or actually causing more problems. Parental alienation is a prime example of how untrained professionals and faulty laws and procedures can actually cause grave danger to a family' (Kloth-Zanard, 2012, p.1)<sup>21</sup>.*

### 3.2.3.5 Child Impact Assessment Framework

The Child Impact Assessment Framework (CIAF), published by Cafcass in October 2018, provides many public and private law assessment tools and guidance that FCAs can use in their cases including: Understanding of Concerns (Fowler, 2003); Understanding of Concerns, Impact on Child and Actions to be Taken (Cafcass); Capacity to Change (Adaption of Di Clemente and Prochaska, 1982); Neglect Appraisal Tool (NSPCC); A 12-step process for assessing the risk of re-abuse to a child, parenting capacity and prospects of rehabilitation (Bentovim, Cox, Bingley Miller, and Pizzey, 2009); Domestic Abuse: What we Need to Know (Cafcass); Barnado's Domestic Violence Risk Identification Matrix (DV RIM) / 7-minute briefing (Barnado's); Child Exploitation Screening Tool (Cafcass); Parenting Daily Hassles Scale; Mental Health Thinking Tool (Webb, Tavistock and Portman, NHS

<sup>20</sup> <https://www.cafcass.gov.uk/careers/our-roles/family-court-adviser/>

<sup>21</sup> Joan Kloth-Zanard is the Executive Director and Founder of Parental Alienation / Psychological Abuse Support and Intervention (PASI) and, whilst this non-profit organisation is American, it has an international reach - whilst the family law systems differ between countries, the principles of parental alienation are the same the world over [www.PAS-Intervention.org](http://www.PAS-Intervention.org)



Trust for Cafcass, 2017); Sexual Behaviours Traffic Light Tool (Adaptation of True Relationships and Reproductive Health, 2012); Home Conditions Assessment (DoH, 2000); Resilience/Vulnerability Matrix (Calder, 2006); and the Rosenberg Self-Esteem Tool (Rosenberg, 1965).

Other tools are available, including: Background to the Application (Cafcass); Tool for Parental Concerns about their Child (Adaptation from Fowler, 2003); Tool for Review of Family and Environmental Factors (Adaptation from DoH (date unknown)); Tool for Criminal History; 15-Point Checklist for Resilience (Adaptation from Grotberg, 1997); and the Resilience/Vulnerability Matrix (Calder, 2006). Cafcass also has a raft of resources for direct work with children. There is a tool for assessing the Impact on Children of Experiencing Domestic Abuse, written by Cafcass; a Typical Behaviours Exhibited where Alienation may be a Factor, written by Cafcass; and Recommendations for the Child when Alienation is a Factor Guidance, once again written by Cafcass. The latter states the following (although this should be read with a view to Section 3.3 Therapeutic interventions for parental alienation):

#### **‘Therapeutic treatment and intervention**

- To overcome resistance or refusal by a child who has been alienated, courts will often consider the need for treatment or intervention.
- Any such intervention is most likely to be effective with judicial oversight.
- A recent review of interventions internationally suggests that there is no single protocol for the assessment and treatment of cases where alienation may be a factor (Templer, Matthewson, Haines and Cox, 2017). No interventions from the UK were identified in this review or that of Doughty, Maxwell and Slater (2018), conducted on behalf of Cafcass Cymru.
- Development of interventions in the UK are in their formative stages and do not appear to have yet been subject to independent objective evaluation. In addition, access to suitable therapeutic intervention is problematic, due to costs and the scarcity of provision.
- Practitioners offering interventions should have knowledge of alienation, complex family dynamics and child abuse, as well as normal developmental models for children and adults. They should have a Disclosure and Barring Service (DBS) enhanced certificate and professional indemnity insurance. Families are advised to check the qualifications of the practitioner and their affiliation to any professional body or organisation.
- There is limited statutory regulation of mental health practitioners in the UK. Practitioner psychologists are statutorily regulated by the Health and Care Professions Council (HCPC). The British Association for Counselling and Psychotherapy (BACP) and the United Kingdom Council for Psychotherapy (UKCP) are the largest member counselling organisations in the UK. Both have voluntary registers accredited with the Professional Standards Authority (PSA). Registers accredited by the PSA sets standards for people working in unregulated health and care occupations and provide for some protection of the public.
- The goal of intervention is to transform the child’s distorted, rigidly held, polarised views of one parent as ‘all bad’ and the other as ‘all good’ into more realistic and measured ones, rooted in the child’s actual experience of both parents (Kelly and Johnston, 2001).
- The alienating parent has an active role to play in supporting the child to develop a meaningful relationship with the rejected parent, and the rejected parent has an active role to play in supporting the child and relating empathetically to the child’s experience. This includes learning how not to take the child’s rejection personally (Kelly and Johnston, 2001; Judge and Deutsch, 2017).
- Interventions need to address the child’s overall best interests. Due to the complexity of factors surrounding a child who has become alienated, it is unlikely that any one objectively validated intervention can be relied upon to repair all fractured parent-child relationships.
- If therapeutic intervention is being considered, the following characteristics derived from an analysis of existing interventions can be used as a guide to which elements should be included (Templer, Matthewson, Haines and Cox, 2016):
  - any family therapeutic intervention for parental alienation must involve the child and parents, offering sessions with family members together as well as sessions with



individual family members so that both individual and systemic concerns can be addressed

- provide each family member with education about parental alienation
- protect the children from harm caused by the alienation
- use therapeutic intervention that reduces the child's distress and improves psychological wellbeing
- use techniques that challenge the child's distorted thinking and teach them critical thinking skills
- work to improve the targeted parent-child relationship
- prepare the alienating parent for an improvement in the quality of the targeted parent-child relationship and challenge their distorted thinking
- employ conflict resolution techniques to repair the co-parenting relationship
- establish healthy boundaries and communication within the family.
- The Cafcass Positive Co-parenting Programme is not designed as an intervention to re-introduce time spent with a parent where the child is alienated. It is an intervention for families, in the mid-range of harmful conflict.

However, the presence of some features of alienating behaviour does not specifically rule out the use of Cafcass Positive Co-parenting Programme as a suitable intervention. See the CPPP suitability tool.

- When a therapeutic intervention is being considered it may assist the court to recommend orders be put in place alongside that intervention including:
  - Anticipate resistance and leave nothing to chance: detail start and finish times, dates, handover arrangements, transport arrangements.
  - A mechanism for swift return to court for non-adherence or breach<sup>22</sup>.
  - Compensatory or enhanced parenting time where this has been frustrated or prevented.
  - Ensure no discretion or negotiation is left to the child or alienating parent.
  - Eliminate the possibility of conflict at handovers (such as by using a third party, or neutral venue like school). Conflict will increase child's distress and strengthen the rejection process by setting the alienating parent as a victim and the other parent as a perpetrator.
  - Build in a pattern of progress, to set the expectation of success.
  - Prevent intrusions into the time the child spends with alienated parent. For example, consider if telephone calls from the alienating parent are of benefit to child or do more harm than good (Clarkson and Clarkson, 2006) (Whitcombe, n.d).

What becomes apparent from reviewing this extraordinarily long list of assessment and guidance tools within the CIAF, FCAs might face overwhelming confusion in deciding the most appropriate tool to use in a given circumstance, and there appears to be no validated and reliable assessment tool that identifies the presence of PA, for either the child or the parents. In addition, there is no information to be found relating to the theoretical rationale for Cafcass's re-use and/or adaptation of existing validated tools. Furthermore, there appears to be no robust academic foundation for the raft of measures and tools available to and used by FCAs in their daily operational activities with highly vulnerable and challenging families. This is supported by Doughty, et al. (2020) who state that: *'The use of scales and tests to measure parental alienation in practice appears to lack a credible evidentiary basis'* (p. 6). The authors go on to state that: *'tools that do exist are unhelpful, poorly validated and serve to undermine the focus on the child. There is a risk that the assessments, and debates about them, might serve to mislead the court and practice generally'* (p. 73).

<sup>22</sup> The problem with returning to court following a breach is that unless courts follow through with the warnings as written into the Court Order (e.g., 'This order includes a child arrangements order [the part of the order setting out living arrangements for a child and about time to be spent or contact with another person]. If you do not do what the child arrangements order says you may be made to do unpaid work or pay financial compensation. You may also be held to be in contempt of court and imprisoned or fined, or your assets may be seized' – note that the wording and consequences differ from Order to Order), then the offending parent knows they can get away with it, and do so, on perhaps multiple occasions with impunity.

Training on the CIAF states that:

*'Categorisation (for example around the type of alienation) is only ever meaningful if it informs the intervention and support provided to the child and/ or family' (Cafcass, 2019, slide 14).*

Yet this review identifies that Cafcass appears to have no knowledge of and signposting to specialist intervention and support for cases of PA. Cafcass does not provide a database of therapeutic practitioners who FCAs can propose to the family court for consideration in final decision-making and in the creation of child arrangement Court Orders. This is a serious omission in its knowledge base and practice.

Neilson (2018) has written of the vigorous debate and controversy surrounding the scientific validity of PA diagnoses and its associated assessment tools, particularly in connection with their application in the legal system (Bruch, 2001a, 2001b; Drozd, 2009; Meier, 2009; Pignotti, 2013; Smith, 2016). Whilst this is in the context of Canadian courts, it can be argued that the same applies to those in the UK context. Sullivan and Kelly (2001) suggest that alienation cases require both legal and clinical management, with professional roles clearly outlined in order to enable families to function more effectively. A systematic review of 10 studies included in a qualitative synthesis determined that:

*'Without evidence-based best practice guidelines, mental health professionals have little assistance to offer their legal colleagues in identifying appropriate courses of action ... The weight of evidence from this systematic review suggests that leaving the child with the alienating parent exacerbates the alienation. Instead, the evidence supports changes in custody arrangements in favour of the targeted parent as an effective strategy for improving child-parent relationships and reducing distress in the child ... Importantly, [it has been] observed that separating the child from the alienating parent was not harmful to the child. These findings are consistent with previous literature suggesting that courts should implement strict visitation schedules, changes in custody to the targeted parent or changes in child and target parent access arrangements ...' (Templer, et al., 2016, p.3; p.14).*

There has yet to be an explicit professional recognition in the social sciences of alienating behaviours as a form of family violence. Indeed, Ron Berglas, a citizen of the State of California, addressed the California Board of Behavioral Sciences on 3 March 2017, with a request that PA be required training for all mental health professionals across the state. At the conclusion of his presentation, a board member stated that PA first needs to be established in the peer-review literature as a form of emotional abuse, at the very least included in the statutory definition of DA. After that criterion has been established, then training and education could be required of Californian practitioners (Berglas, 2017; Harman, et al., 2018).

Following current restrictions resulting from Covid-19, the President of the Family Division in the UK issued guidance on remote access to family court and, in April 2020, identified a need for evidence to inform guidance on the use of remote hearings<sup>23</sup>. The effectiveness, or otherwise, of online hearings is yet to be seen and is another avenue for research.

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<sup>23</sup> The relative strengths and limitations of remote hearings for families can be found in a Blog written by Research in Practice here: <https://www.researchinpractice.org.uk/children/news-views/2020/may/family-justice-in-a-time-of-national-crisis/> (Scott, 2020).

### 3.2.3.6 Summary

There are very clear indications from reviewing the literature that the UK family court system for children experiencing PA does not function effectively in their best interests, or those of their families. As a result, outcomes for children are poor and the cycle of PA and emotional abuse continues down generations in the same way that the cycle of DA continues. Worse, the potential for filicide to be committed by narcissistic borderline personality disordered parents or child suicide (Berglas, 2017) is not addressed nearly enough (but see Norwin-Allen, 2017, who includes filicide in his analysis). Commentators in the UK do not seem to offer an effective solution to the family court, whilst those in the USA are vociferous in challenging the status quo.

*'No legal system (a top judge told me) is there to 'help' people (e.g., with supposed informality, e.g., making children's welfare paramount); the legal system's task, he said, is to apply the law justly. So a legal system on its own is not fit to be a frontline agency, it's not equipped to handle risk properly and promptly, it's adversarial nature inflames the problem. In addition, private family law isn't designed for all children affected; it only attends to a select few children whose parents have the personal determination and financial capacity to pay eye-watering amounts, or to get legal aid, or to self-litigate - all hoping blindly that unspecified outcomes will arrive before your money or stamina runs out. Some hope (Child, 2020).*

Kloth-Zanard (2012; 2013), for example, speaks directly to possible alternatives. Since family law covers many more matters in the broader sense of family, and given the evidence of ineffective, inappropriate and inconsistent outcomes, the safeguarding of children from the harms done by PA could be dealt with more directly by child protection services and therapists but with the sanction of the court. Indeed, many have argued that safeguarding must take priority over any family court child arrangements issues. But then, social work does not necessarily mean training in family issues. Emotional abuse is particularly hard to recognise, even by skilled practitioners. Worse, some untrained social workers and other family law practitioners do not know what to do when they are faced with an explosive parent who refuses to listen or follow court orders (Kloth-Zanard, 2013).

*'It is time for the courts and agencies working with families to start listening to the professionals who are trained in Marriage and Family Therapy or a Licensed Marriage and Family Therapist (LMFT). These are the people who understand the nature of human beings and family relationships the best. These are the professionals who should be called upon to evaluate and make recommendations, especially if they are trained or educated in alienation and solving for it' (Kloth-Zanard, 2013).*

Kloth-Zanard lives and works in the USA. The literature shows that her views and experiences echo many of those in the UK.

## 3.3 The role of mediation in addressing parental alienation

### 3.3.1 Introduction

In 2016, the annual cost to the UK economy of family breakdown was calculated at £48 billion by The Relationships Foundation (Robey, 2020). The hidden costs of divorce and separation to the taxpayer include welfare benefits, emergency housing following DA, physical and mental health, social services and care, children in care, police and prisons, Courts, legal services and legal aid, child maintenance, educational provision following disciplinary and behavioural issues, free school meals, tertiary education drop out and young people not in education, employment or training. The Chief Executive of National Family Mediation (NFM) recommends to the Government's Comprehensive Spending Review (CSR) an improved take-up of family mediation as it success is proven from the results of a survey of mediators conducted by the FMC. 73% of MIAMs attended by both parties converted to full mediation, and 70% of mediation cases resulted in agreement. Two recommendations are suggested that would meet demand and expand mediation for families at a vulnerable time. Their implementation would also help address the multi-billion pound annual cost to the UK taxpayer of family breakdown.

1. MIAMs are made free of charge to all - the government will reap the benefits of more families reaching agreements away from court.
2. Improved gatekeeping - courts would be confident people have in fact been to the compulsory MIAM.

Current mediation practice has so far been shaped by a variety of external and internal influences, including early influences from the pioneering days of the 1960s and 1970s, the part colonisation of this new profession by the legal profession and the impact of changes to legal procedures and legal aid funding.

It is relevant to note that the origins of family mediation in the UK are rooted in child welfare concerns. In England and Wales, the liberalisation of divorce procedures was an enabling factor; but arguably the stronger impetus came from a decade of research into the effects of divorce on children. Research evidence indicated that continuing conflict between parents was the strongest predictor of harm to children than the act of separation itself and that harmful effects continued into adulthood (Hunter and Barlow, 2020; Lester, 2014; Saunders, 2016).

The early pioneers and advocates of family mediation were particularly keen to define this new professional activity as distinct from therapy, social work, or the law. Whist recognising the influence of family systems theory on family mediation theory and practice there is a strong body of opposition to the positioning of the mediator as 'expert' in anything other than managing the process. The empowerment of the parents as experts on their own children and as competent autonomous decision-makers was a defining principle not to be corrupted by too close an alignment with therapy. Whist counselling and therapeutic interventions may be necessary, it was argued, they should remain removed from the process of mediation in terms of time, place, and the professionals involved. The need to retain this distinction in practice from other interventions required not just an understanding and ability to articulate the nature and goals of the process, but also the limitations of those goals.

The goals of mediation are to facilitate the resolution of issues arising from divorce and separation that needed to be resolved and might otherwise be decided by the courts. The adversarial nature of legal processes was recognised as fuelling conflict between parents, and court-imposed solutions as being easy to sabotage (by parents who felt that the outcome was unfair) and difficult to enforce. The mediator was encouraged to maintain a focus on the practical issues to be resolved for the future and to steer away from the conflict dynamics which were regarded as being of mainly historical significance. The experienced and confident mediator might take time to step away from the agenda to address behavioural conflict, but only so far as is necessary to enable the parties to refocus on the issues at stake. Reorganising personal dynamics is the work of a therapist; the mediator's role is to facilitate a negotiation on substantive issues.

Roberts (2017) charts the course of the development of mediation in the UK from the child welfare focus of the early professionals; the attempted annexation by family therapists and the subsequent colonisation by the legal profession, following expansion into finance and property as well as children's issues. The introduction of public funding via the Family Law Act 1996 and, more recently, the withdrawal of public funding for legal advice and representation in respect of private family law disputes under the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, has not only resulted in the number of LIPs, with obvious and serious problems for how cases are managed, but also made voluntary mediation a mainstream activity. The influence of the legal professions' entry into mediation and the move to centre stage within the Family Justice System has also steered the profession toward a predominantly settlement focused model. The goals of mediation have become defined by funding priorities and positioning within the justice system as a diversion from court procedures (Roberts, 2017).

Restrictions on the mediator role in terms of confidentiality and privilege also pose limitations on their role as a triage practitioner. Refusing mediation on the grounds of unsuitability is not the same as ensuring that families get appropriate help or interventions to safeguard children.

The dearth of literature specifically addressing the relationship between mediation and PA is exemplified by two recent publications. The first, an exploration of contemporary issues in family mediation, makes no reference to PA (Roberts and Moscati, 2020). The second, a comprehensive analysis of the current understanding of PA, also makes no specific reference to mediation (Haines et al, 2020). This may be partly because both PA and mediation suffer from definitional challenges which may make them easily overlooked outside of their professional milieu.

From the mediator's perspective, what is important is that alienating behaviours are often played out in front of the mediator in highly conflicted child arrangement cases, and are often a reflection of the negative feelings of the alienating parent toward the other parent. Such behaviours may be a result of individual psychopathology or a more temporary cognitive distortion (Lowenstein, 2011).

The absence in the UK mediation literature of references specific to PA may also be due, in part, to the influence on judicial thinking, of an expert's court report on contact and DA which rejected the linear concept of PA as unhelpful and replaced it with a range of multi-directional explanations categorised under the umbrella term of implacable hostility (Sturge and Glaser, 2000). Whilst Sturge and Glaser (2000) concluded that no amount of mediation was likely to result in any alteration in hostilities, mediation's ability to respond effectively to PA was first questioned by Lowenstein (2011). Yet there is little detail about how these



conclusions have been reached or which mediation models and approaches had been considered.

### 3.3.2 Approaches and models of mediation

Over time, various approaches to mediation have emerged. Sometimes referred to as facilitative, transformative and evaluative (and more recently narrative), they are broadly distinguished by the positioning of the goals of mediation along a continuum, from a focus on a settlement to a focus on relationships, and the degree to which the mediator intervenes within the process along a continuum from facilitative to directive.

Unlike the facilitative model of mediation which seeks agreement on goals based on the uncovering of shared interests through a respectful and sensitive exploration of relationship issues, evaluative mediation relies on compromise solutions through a process of 'bargaining in the shadow of the law' (Baruch Bush and Folger, 2005; Charkoudian, Ritis, Buck and Wilson, 2009; Della Noce, 2009). Critics of the evaluative approach challenge whether that approach can be defined as mediation at all because it fails to recognise basic principles of mediator neutrality, and party self-determination which is seen as crucial to the party's genuine commitment to the process – and to the agreement.

Baruch Bush and Folger (2005) claimed to give voice to pre-existing informal discussions among mediators and academics about the potential of mediation to transform conflict from a negative and demonising interaction to a positive and humanizing one. They argued that if approaches to mediation are defined and restricted by their goals then the most important goal of mediation is the transformational one, and that part of its importance lies in the fact that it is a benefit '*that the mediation process is uniquely capable of achieving*' (p.37). The role of the transformational mediator is to create a safe space for the parties' discussions and to support them through a series of interactions that they themselves create rather than guiding them through a predetermined process of negotiation, as in the settlement focused model (Baruch Bush and Folger, 2005).

A lack of clarity about the nature of the mediation process that is being referred to is apparent in the opinion pieces of one of the few authors to address the relationship between mediation and PA directly. Lowenstein has been relatively prolific on the subject but, whilst recommending *therapeutic* mediation's potential in addressing alienating behaviours, the process he generally refers to elsewhere is at the extreme *evaluative* end of the spectrum in that it is court-mandated, carried out by a mental health or court professional, and a process in which conduct during mediation would be taken into account in any subsequent court hearing (Lowenstein, 2011). His reference to the establishment of Cafcass as a mediation provider is also confusing and contrasts with Cafcass' own description of their role at a First Hearing where they will 'nudge and persuade' family members to think and behave differently about one another with the aim of reaching a Parenting Agreement – a process they refer to as a 'dispute resolution intervention' rather than mediation (Cafcass Operating Framework, 2019, p.8).

Whilst the influence of pre-existing professional backgrounds, values, and codes of conduct has been influential in shaping professional approaches to the process, the socio-legal context and public funding formulae have also shaped the predominant model. '*The domain of divorce disputes is politically sensitive and driven by policy-based funding which is known for its restrictive interests in agreement rate outcomes*' (Saposnek, 2004, p.39).



Mediators working with publicly funded clients are constrained to work (within funding formulae) to a standardised model comprising a single intake or MIAM per party (or a single joint intake if clients prefer) of less than an hour followed by an average of 2.75 joint meetings for family cases and 4.5 joint meetings for all issues (children, finance and property). Successful outcomes in terms of written agreements are rewarded with additional payments. There is currently no additional funding for seeing children within the process.

A recent study by Good Egg CIC released in June 2020 described mediation as ineffective on the basis that the percentage of respondents who had been involved in mediation who had not seen their children for a year was the same as for those who had not been involved in mediation. But, of the total 1,500 parents who had responded overall to the survey which covered a number of topics, there is no breakdown of the numbers attempting mediation, whether this was 'mediation' provided by Cafcass or the private sector, whether they had attended joint meetings or whether they simply attended a MIAM prior to making a court application.

Consideration of the effectiveness of mediation based only on a partial understanding or indeed on prevalent models may conclude that the process is unlikely to be effective – though this has not yet been clearly evidenced. Yet if some degree of alienation is endemic in the conflict between separated parents, and mediation is now a frontline mainstream activity, then a more detailed examination of its ability to respond effectively to alienating behaviours in terms of models and approaches seems overdue.

### 3.3.3 Screening for safety and suitability

Identification of the need for mediation in relation to PA to be made safe and to manage power imbalances can be addressed by reference to Whatling (2020) who reminds us that screening for safety and suitability for family mediation in the UK is a tripartite process. Party willingness to participate is an essential criterion but so too is mediator willingness to offer the process based on a professional assessment of the level of risk and responsibility to ensure the safety of all involved. Mediators are concerned with establishing both informed consent and a fair process in which the parties' ability to negotiate can be evenly balanced without fear and intimidation on either side. This means that mediators need to be sensitive to the subtler aspects of DA as well as the risks or fears associated with physical violence (Whatling, 2020).

Concerns pertaining to the current model and the impact of public funding formulae are raised by Hunter and Barlow (2020), who are concerned that insufficient time is allowed for screening legally aided clients and that issues such as DA and controlling dynamics may not be fully explored. Without careful screening, existing power imbalances and complex dynamics may escape unnoticed into the process where they may then fail to be properly addressed.

Assessment of capacity in mediation is task-specific and related to a professional understanding of the powerful role that subjective reality plays in truth conflicts and the interventions that will be effective in moving the parties toward a common truth. The ability to understand and respond to the possibility that there might be a different way of looking at the situation and ultimately to seek common ground in the interests of their children is a prerequisite of successful participation in the process. This extends even to situations where there is a history of abuse (or perception of abuse) providing the perpetrator has the capacity to understand the impact of their behaviour (intentional or unintentional) on others and to

modify it (Robinson, 2020). However, as Haines et al (2020) remind us, there is currently no way of determining if PA is occurring.

### 3.3.4 A suitable model and approach?

Proponents of a therapeutic model of mediation argue that a standardised model of mediation does not allow for families that, in reality, operate across a continuum from 'very functional' to 'markedly dysfunctional' and include a large number of families who might benefit from mediation but are not yet ready. Therapeutic Family Mediation (TFM) introduces a different model with a pre-mediation stage between initial assessment and negotiation. The initial assessment will identify whether the parties in a dispute are ready to mediate or whether systemic processes will block their ability to negotiate. Mediators operating from a systems perspective are looking for indications of patterns of interaction that may be perpetuating the conflict, of which the parties themselves may be unaware. Whilst accepting that some parties may be more influential than others in sustaining these patterns of interaction, they will avoid explanations that place blame exclusively on one or other of the parties (Irving and Benjamin, 2002).

This fits well with an understanding of PA that distinguishes between parents displaying alienating behaviours because they are hurt, bitter or unhappy yet have the ability to see the error of their ways, recognise the potential damage to their children and change their behaviour, and those who pursue a persistent and driven campaign of distancing a child from the other parent which is characteristic of the extreme end of the continuum of alienating behaviours and their effects (Haines et al, 2020).

Talbot (2017) offers an exploration of how different approaches to mediation may be the key to success if matched to the appropriate circumstances: *'Some disputes are simply more likely to be resolved than others, and the parties' levels of frustration and mutual hostility are a significant indicator of how successful the mediation is likely to be'* (p.163). Talbot (2017) offers relational-gestalt theory as underlying an approach which could provide a richer understanding of and ability to respond effectively to the more highly escalated conflict situations. Within a relational-gestalt approach to conflict, *'the influence of context and environment are acknowledged, and the inter- and intra-psychic processes at play within conflict are given greater consideration than in any of the extant mediator models'* (p.184).

Talbot's (2017) concept of conflict as a clash of *'two different interpretations of reality trying to occupy the same space at the same time'* (p184) is echoed by Whatling (2017) in a discussion of the importance of life scripts and conflict ideologies as key theoretical concepts with application to practice. The role of the mediator in this approach (which closely resembles elements of transformative mediation) is primarily to create the conditions for constructive dialogue between the parties.

Fundamental principles of confidentiality, privilege, mediator impartiality, and maintenance of 'ground rules' are essential to enabling retroflection; the stage of the process in which parties are able to say what they really feel without fear of shame or retribution. Creating this safe space for dialogue and supporting the parties' communications enables them to begin to acknowledge the validity of their different perspectives and to respond empathically to the other's concerns (Talbot, 2017).

Whatling (2020) states that one advantage of a co-working model, more prevalent in the early days of mediation development in the UK, is that mediators can be assigned different tasks. Whilst the lead mediator focuses on the process (i.e. the goals) of the mediation, the

other can be responsible for managing the content (i.e. the relationship issues). Whatling's experience of the Australian model of Conjoint Mediation and Therapy provides an example of structured co-mediation using a therapeutic approach, where one of the mediators has a therapeutic background and the parties give express permission to relationship issues becoming part of the agenda.

### 3.3.5 The voice of the child in mediation

Introducing and maintaining a child focus based on expert knowledge where parties hold opposing views threatens party perceptions of mediator neutrality. Within the TFM model, the tension between the principle of mediator neutrality and the best interests of children principle is dealt with by openly acknowledging the child advocate aspect of their role to the parties in dispute at the outset. The mediator requests permission from the parties to operate within an educative and information giving role based on their knowledge of the developmental needs of children and of the research literature, as well as their potentially extensive experience of other couples in a similar situation. This occurs at the pre-mediation stage of the process which will determine whether the parties ultimately have the capacity to distinguish between self-interest and the interests of their children. In the pre-mediation stage, the mediator will also direct their interventions, using a variety of skills and strategies, towards unblocking those entrenched patterns of interaction that are blocking effective communication and the parties' ability to enter constructive negotiations. It is reported that about 80% of couples are considered ready to negotiate after two to three 2-hour pre-mediation sessions and that a further 10% are ready after a longer process. The remaining 10% will be referred to lawyers or for counselling but may return to the process in the future (Irving and Benjamin, 2002).

McIntosh, Wells, Smyth and Long (2008), referring to the development of a new divorce mediation model, writes of a fundamental shift in Australian dispute resolution practice away from negotiation models founded in neutrality, toward *'models that actively seek to facilitate the often unspoken developmental agendas of the children affected by the dispute'* (p.105).

Their study of two models of mediation offered to 181 families over a 12-month period found greater sustained improvement in the model which offers direct consultation with children within the process. The aim of both models is to build or re-establish a clearer understanding and focus on the needs of their children within the negotiation process. The neutrality of the mediator in both models is tempered by a child advocacy role. In the first model, known as the Child Focused (CF) model, the mediator takes on an educative and therapeutic role and introduces the child perspective based on a general understanding of the developmental needs of children and the impact of separation, divorce, and conflict. There is no direct involvement of the parties' own children in the process. In the first 6 months of the study, this model was offered to all parents who met the inclusion criteria.

The same mediators then retrained in the second model and were joined by a team of child consultants. In the second model, known as the Child Inclusive (CI) model, the school age children of the families were seen and their views directly introduced into the process. The CI model evolved as *'a strategic enactment of United Nations principles around enabling children to present their wishes in family law proceedings about them'* (p105). The second model was then provided to all parents in the second six months of the project based on the same inclusion criteria. The model followed by individual intake followed by up to six joint sessions. The duration of the intervention for CF was an average of 5.1 hours and for CI was 6.2 hours. No other interventions were used during this project, save for the use of a co-operative parenting resource that included written material to support the CI intervention.

Both groups showed a significant and enduring reduction in levels of conflict. Significant outcomes for the CI intervention included children's reports of the greater emotional availability of, and closer relationship with, their father; and mothers and children's reports of preservation of or improvement in their relationship with one another.

Roberts (2017) addressed the question of involving children directly in the mediation process which (in the UK at least) has excited controversy and polarised opinions since the 1980s. Arguments for are influenced by research findings suggesting that parents' ability to understand and respond appropriately to the needs of their children can be temporarily diminished by the psychological impact of divorce and separation, and by Article 12 of the UN Convention of the Rights of the Child 1989 in relation to the participation of children and young people in the processes of decision making. Arguments against involving children directly in the mediation process come from those who view the idea as a misguided diversion into a paternalistic welfare approach and a direct challenge to the presumption of competence that has been an underlying principle of the development of mediation practice here and in the US. Those against involving children directly in the mediation process also expressed concerns that such a move would place undue responsibility on the child, undermine the parents' decision-making authority and place incompatible demands on the role of the mediator. Situations where it might be appropriate (it was argued) were rare, but noted what could be described as the current definition of PA.

The debate about how best to involve the child and under what circumstances was resolved partly through framing the child's involvement in the process as a process of consultation which could take place in one of two ways. The preferred form of consultation was indirect consultation which took the form of the mediator encouraging the parents to consult jointly with their children and bring their views to the mediation process. Direct consultation with the children by the mediator took place when agreed jointly by the mediator and the parties. The parents retained control of the decision-making process. Practice guidelines governing the involvement of children were enshrined in the Codes of Practice of the College of Mediators and the FMC as well as the quality assurance requirements of public funding contracts.

The debate continued, however, and further research into the ways in which children cope with separation and divorce contributed to a shift in thinking from seeing children as victims to seeing them as potentially autonomous agents. This shift in perception, together with a Family Justice Board initiative in the form of a subgroup to focus on child inclusive practices throughout the family justice system, led to a new CI model of mediation being introduced in England and Wales from 2018. A Family Mediation Council (FMC) working group established competency standards for CI mediators and developed a programme of awareness training for all mediators. It is now practise to actively encourage the participation of children through discussion with parents at an early stage in the mediation process. This new inclusive model applies to all children over the age of 10 years and with the consent of both parents. The FMC, however, did not accept recommendations of the Family Justice Board subgroup that mediators should conduct a Gillick competence assessment and be prepared to meet with children without parental consent if necessary (Allport, 2020).

### 3.3.6 The mediator's safeguarding role

Influencing children against another parent is emotional abuse which should neither be tolerated nor go unpunished. It must be stated that the abuse of a child's mind or way of thinking needs urgent intervention (Lowenstein, 2011). However, there is no specific mention of PA within the safeguarding requirements of either the FMC Code of Practice or the College of Mediator's Code of Practice. The following are relevant extracts:

*'Mediators must have appropriate safeguarding policies and procedures in place' (FMC Code of Practice, 2014: s3.7<sup>24</sup>).*

*'Where it appears necessary so that a specific allegation that a child has suffered significant harm may be properly investigated, or where the Mediator suspects that a child is suffering or is likely to suffer significant harm, the Mediator must ensure that the appropriate agency or authority is notified. Wherever possible, the Mediator should make such a notification after consultation with his or her PPC<sup>25</sup>' (FMC Code of Practice, 2014: s5.2.2).*

*'Exceptions to confidentiality fall under two main categories: i) Where a mediator suspects that a person, particularly a child or vulnerable adult, is in danger of significant harm they must ensure that the relevant authority is notified. ii) Where a mediator becomes aware of any criminal activity, the knowledge of which would be classified as collusion in a crime, the mediator must terminate the mediation.' (College of Mediators Code of Practice, 2019<sup>26</sup>: s4.5.3).*

*'Where it appears to a mediator that the participants are acting or proposing to act in a manner likely to be seriously detrimental to the welfare of any child, the mediator may withdraw from mediation. The reason for doing so must be outlined in any summary which may be available to any participants' legal or other advisers or relevant authority as described in paragraph 4.5.3' (College of Mediators Code of Practice, 2019: s4.7.5).*

*Where it appears to a mediator, in consultation with their Professional Practice Consultant (PPC), that any child is suffering or likely to suffer significant harm, the mediator must advise participants to seek help from the appropriate agency. The mediator must also advise participants that whether, or not, they seek that help, the mediator must report the matter in accordance with paragraph 4.5.3' (College of Mediators Code of Practice, 2019: s4.7.6).*

But on the Cafcass website it is stated that:

*'The starting point of assessment is always the identification of risk, which includes risk of emotional harm, which may amount to a child protection issue. We recognise that exposure to alienating behaviours can be emotionally harmful to children.'*<sup>27</sup>

One of the key implications for practice identified in a recent review of research and case law on PA is that *'where there is evidence that a child is subject to significant harm, or is at risk of this happening, as a result of alienation which may amount to emotional abuse, a referral should be made to the local authority in accordance with the safeguarding procedures'* (Doughty et al., 2018, p.43).

Woodall reports on a recent (3 May 2020) Court of Appeal ruling and reflects that this decision and accompanying commentary clearly define alienating behaviours as a potential safeguarding issue (depending on the severity) and support her long held view that PA is a serious form of child abuse. The following is her extract from the Judge's commentary:

*'Where a child's relationship with one parent is not working for no apparent good reason, signs of alienation may be found on the part of the other parent. These may include portraying*

<sup>24</sup> <https://www.familymediationcouncil.org.uk/us/code-practice/>

<sup>25</sup> Professional Practice Consultant

<sup>26</sup> <https://www.collegeofmediators.co.uk/wp-content/uploads/2020/03/COM-Code-of-Practice-V3.pdf>

<sup>27</sup> <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/parental-alienation/>



*the other parent in an unduly negative light to the child, suggesting that the other parent does not love the child, providing unnecessary reassurance to the child about time with the other parent, contacting the child excessively when with the other parent, and making unfounded allegations or insinuations, particularly of sexual abuse.'*

The commentary also makes it clear that the Court is less concerned with motive than process and not at all concerned with the debate about labels. This calls into question whether mediators have sufficient training and expertise to identify where allegations made by parents during the MIAM process, or in mediation, or by children and young people directly involved in the mediation process, fall within the safeguarding criteria and how they should be managed.

### 3.3.7 Training for mediators

In England and Wales, the Family Mediation Council (FMC) is responsible for overseeing the regulation of the profession and maintains a list of accredited mediators which is accessible to the public. At the end of 2018, the population of mediation professionals within the FMC comprised some 1,100 mediators, 749 of whom were accredited by the FMC, with 351 working towards accreditation (Saunders, 2016). Statistics provided by the Legal Aid Agency tell us that in the period January to March 2020, 30,009 publicly funded individual assessment meetings and 278 joint assessment meetings (where both parties are seen together) were conducted, resulting in 7,405 cases proceeding to mediation. Agreements were reached in 61.5% of cases. There is no equivalent data for private cases.<sup>28</sup>

The Family Mediation Council is responsible for the approval of foundation training courses in family mediation and the approval of Child Inclusive (CI) mediation training courses. The requirements relating to course content are linked to competency standards mediators are required to demonstrate as part of the accreditation process. No specific reference is made to PA or implacable hostility although the requirements do include knowledge of theories concerning the impact of separation, loss, and conflict on families and individuals, theories of child development and other family changes on children and young people and theories of conflict, co-operation, and competition.

Requirements for training in CI mediation include an understanding of the following theoretical frameworks:

- Family systems theory and working with sibling groups;
- Attachment theory;
- Child development theory (physical, cognitive, moral development); and
- Risks and resilience theory.

They are also required to understand:

- Core research into the effects of divorce and separation on children, the significance of their involvement in decision-making, and models of CIM mediation practice;
- The potential effect of power imbalance between parents and children in CI mediation practice; and

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<sup>28</sup> <https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2020>



- The range of communication and behaviours that may result from culture, age, gender, ability, additional needs, racial or religious diversity and how to respond to these.

There is no specific reference to PA but, within the standards framework, it is worth noting that parents are required to sign a written agreement that they will not coach the child prior to their inclusion in the process. Whether such an agreement is reliable is a question that may need to be addressed.

Five membership organisations within the FMC continue, to varying degrees, to offer training either directly or through individual members who are also part of training organisations. These membership bodies are the Family Mediators Association (FMA), the College of Mediators, National Family Mediation (NFM), the Law Society, and Resolution. In addition to foundation training and CI training, they offer a range of continuing professional development activities (mainly short courses) currently online.

A search of available training on their websites shows that the College of Mediators offered a 6-hour training course in May 2020 by an organisation called Family Matters, entitled 'Parental Alienation'. The FMA offers one-day or half-day courses by Karen Woodall on a regular basis (some as yet unscheduled).

Searches of the Law Society, Resolution and NFM training programmes on their websites revealed no offers of PA training.

### 3.3.8 Summary

Nowadays, couples who present for mediation are usually there because mediation is the only affordable option - they simply have nowhere else to go. They are often caught up in seemingly intractable patterns of high conflict behaviour fuelled by family and friends, and a deep-rooted belief that their own personal sense of justice is somehow enshrined in a law that they can no longer afford to access (often despite legal advice to the contrary).

Some mediators may take the view that these couples are not suitable for mediation. Some take the view that this does not make the courts any more suitable than they ever were for resolving deeply entrenched relationship-based conflict. It seems the case that mediation needs to rise to the challenge and offer a more therapeutic based model of family mediation to serve its current client base. A therapeutic model would contain elements of education and conflict coaching as well as exploring underlying values and belief systems - whilst retaining a clear focus on the need to create a parenting arrangement based on what is in the child's best interests, taking a holistic view of their world. This moves the line of suitability further along the continuum of conflict and motive and potentially takes us into PA territory.

## 3.4 Therapeutic interventions for parental alienation

### 3.4.1 Introduction

The therapeutic literature on PA is much like the broader literature in that there is some debate in this area, particularly on the appropriateness of interventions (see for example Warshak, 2010). Challenges are addressed towards the end of this section. A more detailed consideration of the PA conceptual debate is, however, beyond the scope of this review. A critical examination of assessment tools and techniques is also beyond our scope (see Section 3.3.1 Child Impact Assessment Framework). Our focus in this section is on interventions once PA has been determined to be present, with a 'flavour' of interventions presented in order to provide a general picture of the evidence.

This review found some examples of therapeutic/psycho-educational interventions being described and evaluated for effectiveness, where the primary aim was one of reunification of child(ren) and the alienated parent. This is still, however, a field in its relative infancy. Evidence is lacking, with most publications being discussion or commentary papers written by a small number of authors, rather than a presentation of research and evaluation of interventions against standardised outcomes. Where there is an examination of effectiveness, studies are small-scale, there are many methodological issues, and there is a lack of long-term follow-up of outcomes (Doughty, et al., 2018).

Much of the evidence reviewed in this section is of programmes designed and delivered in North America. We are therefore cautious in surmising that the same results would be seen in the UK, given the differences in cultural context, and legal and health systems. In the UK context, the work of Karen Woodall at the FSC is notable but this has not yet been evaluated. Due to the dearth of UK-based interventions we have nonetheless included a consideration of Woodall's work in this review (Woodall, 2018; 2019; Woodall and Woodall, 2019). Cafcass also offers training and resources in PA and a Positive Co-Parenting Programme (CPPP), which again has not been externally evaluated, but has received favourable mention in their latest Ofsted report<sup>29</sup>; this programme is also included in this review.

### 3.4.2 Interventions delivered in the UK

The Cafcass Positive Co-Parenting Programme (CPPP) is a court-mandated 12-week programme for families. It includes four structured sessions undergoing family proceedings where there is medium to high conflict; parents and the child will attend these individually, and in the final session all will attend together<sup>30</sup>. The programme emphasises parental empathy for their children, and aims to:

- Promote positive change in making child-centred arrangements
- Improve communication between parents
- Reduce emotional harm to the child
- Reduce duration of court proceedings and delay

Unlike the non-UK based interventions described below, this programme is not a reunification programme, aiming to re-establish the relationship between the child and

<sup>29</sup> <https://files.ofsted.gov.uk/v1/file/50000296>

<sup>30</sup> [file:///C:/Users/na\\_re/AppData/Local/Temp/CPPP-Factsheet-3.pdf](file:///C:/Users/na_re/AppData/Local/Temp/CPPP-Factsheet-3.pdf)

alienated parent. It is therefore not designed specifically for PA but can be used when there are mild-moderate levels of PA observed<sup>31, 32</sup>.

The programme of work at the FSC is unique in the UK (although providing world-wide services) for its specialist provision for cases of PA – including severe cases. It is supported by a conceptual model which is used to guide continuous assessment, reunification, and therapy. Woodall (2018) describes her approach as one where the therapist is “*in charge of the family*”, seeking to swiftly reunify alienated parent and child, and to use this to integrate the “*child’s internal split state of mind*”. Thus the concept of ‘psychological splitting’ is central to the intervention model:

*‘Splitting refers to the unconscious failure to integrate aspects of self or others into a unified whole. It is an infantile defence mechanism ... that helps a child to make sense of the world around them and protects them from irreconcilable feelings. Faced with the overwhelmingly contradictory and unmanageable experience of recognising that to ameliorate the behaviours of one parent they must reject the other, the child splits off the powerless and vulnerable aspect of the self as a separate object representation. This inability to hold an integrated sense of self is then projected outward and manifests itself as a secondary split in which one parent becomes the embodiment of everything that is nurturing and good and the other parent the embodiment of everything that is threatening and bad’ (Woodall and Woodall, 2019).*

Assessment, for Woodall, determines severity of splitting and a differentiation of ‘pure’ PA – which has resulted from coercive behaviour and a personality disorder on the part of the alienating parent – versus PA which has resulted from a combination of other factors. In the former case, separation from the alienating parent is advised, and in the latter the focus is on restoration of the relationship with the alienated parent, using activity-based therapies which include behavioural expectations and monitoring of contact between both parents. It is only once the relationship is restored between child and alienated parent that therapy to address psychological splitting can begin. Integral to the model is a “*legal and mental health interlock*”, whereby the mental health intervention is contextualised within legal case management, simultaneously making use of legal and therapeutic mechanisms, such as the threat of sanctions and working with family issues, (Woodall, 2019; Woodall and Woodall, 2019).

It is worth noting that Woodall’s most recent work is now steering away from the label of ‘parental alienation’, in favour of bringing the focus firmly on the reaction of the child to separation and divorce, i.e., where children are induced to use defensive psychological splitting and effectively alienating their self from their self. The extract below is taken from a recent blog:

*‘The work that we are now doing at the Family Separation Clinic is focused upon the development of theory and practice with children of divorce and separation which enables all psychotherapists to work with children who are induced to use psychological splitting as a defence. Putting together the psychoanalytical evidence with the interventions which are focused upon resolving trauma is the basis of this work. Whatever we call it, alienation of a child in divorce and separation is a real thing. In assessment, all of these children show the same signs of induced psychological splitting, in which they experience the world in black and*

<sup>31</sup> <https://www.cafcass.gov.uk/2020/05/12/cafcass-positive-co-parenting-programme-extended/?highlight=CPPP>

<sup>32</sup> <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/cafcass-positive-co-parenting-programme/?highlight=CPPP>. There has been an internal evaluation by Cafcass Operational Management Team that is mentioned in the published minutes of a meeting, but nothing published on the Cafcass website or elsewhere.

*white terms. Most, if not all, show signs of identification with the aggressor, a psychological defence which enables a child who is afraid of abandonment or other such threats, to split off and deny the anxieties which come with that and project them at the parent they are rejecting. It does not matter whether those children are being influenced to do that by a mother or a father, the clinical markers are exactly the same ... The reality of what happens to children who reject a parent outright after family separation, when the clinical markers of induced psychological splitting are present, is that they are suffering an alienation of the self from the self ... Induced psychological splitting in a child of divorce and separation causes alienation of the self from the self, which means that what we are working with clinically is what Winnicott (1965) called the false self. This self arises via distorted parenting practices and the projection of parental anxieties onto the child who creates a defensive split in response. This defensive split causes the child to mirror behaviours back to the parent who is causing the problem, confirming for them that their anxieties are with foundation. In reality, this is how alienation in a family begins ... The false self is the adapted self. In therapeutic work it presents as an organised self which is often well structured and capable. The false self is often a people pleasing self, keen to ensure that others are kept stable and happy. In this respect, it is easy to see that the child of divorce and separation, who aligns with the anxious parent who is wounded and angry, has learned to regulate that parent by providing them with the perfect helper in their time of need. The false self however is a sign that the child's right to a sovereign self has been taken from them. It is a sign that the child has been co-opted into a coalition with another or others who have imposed their beliefs upon the child' (Woodall, May 2020 - Alienation of the self from the self: the problem for children induced to use defensive splitting).*

### 3.4.3 What the research evidence tells us

There is a general consensus that PA requires tailored approaches, and that traditional therapies are not only ineffective, but also potentially detrimental, can exacerbate the alienation and risk the therapist's alignment with the alienator (Fidler, Bala and Saini, 2013; Templer, et al., 2016). A statement published in 2019 by EAPAP highlights how traditional, non-specialised therapeutic approaches are inappropriate for PA.<sup>33</sup> Indeed, some of the very principles which most traditional therapies are grounded in – such as validation, empathising, and empowering – may be counter-productive and damaging to those children who are victims of PA:

*'We believe that, whilst children's emotional experiences should be explored, therapists working with alienated children should not provide a therapeutic environment in which the child is encouraged or allowed to criticise, denigrate or disrespect a parent or voice untrue, unjust or delusional opinions, and that children's false beliefs, cognitive distortions, or delusional thinking should not be validated or upheld. Encouraging or allowing a child to do such things should be considered harmful to the child. Equally, therapeutic interventions should not provide an environment in which unfounded allegations are allowed to go unchallenged. Alienated parents should not be required to apologise to children for events and behaviours which are demonstrated to be untrue or for which there is no evidence. Therapists working with alienated children should not seek to empower the child but work to restore the functioning family hierarchy so that the child does not have to carry the burden of responsibility. Therapeutic techniques such as mirroring, empathising and validating are grossly inadequate and often harmful in cases of parental alienation, not least because they tend to uphold untrue or delusional beliefs' (European Association of Parental Alienation Practitioners [EAPAP], 2019).*

<sup>33</sup> <https://www.eapap.eu/statements/systemic-family-therapy-in-cases-of-parental-alienation/>

Specialist interventions which have been tailored to PA have included camps, workshops, retreats, and family/group therapy. Intervention content usually includes psycho-education, critical thinking, parenting skills and coping methods (Templer, et al., 2016).

Programmes vary in how involved alienators are, with some interventions focussing only on the child and alienated parent, and others including alienators in family sessions, or in parallel programmes. There is some indication from the material reviewed that including alienators in the interventions may achieve a longer-term maintenance of impact observed (Kelly, 2010). Indeed, in at least one programme which didn't include alienators, success was impeded by premature contact between the child and alienator once the programme had ended (Warshak, 2010).

The only published systematic review of therapeutic interventions for PA was conducted by Templer et al (2016). They reviewed 10 studies published between 1990 and 2015, and evaluated both legal and therapeutic interventions. They found that whilst the delivery method of the interventions varied, they shared a common aim of protecting the child against harm due to further alienation and the restoration of family functioning. Therapeutic programmes were described as “*a specialised form of systemic family therapy*”, which included psycho-education regarding the nature and treatment of PA. Programmes were delivered by psychologists and social workers appointed by the court.

The systematic review found that such interventions can be effective in the following outcomes: 1) improved family relationships and family functioning, 2) improved relationship between child and alienated parent, and 3) reduced psychological symptoms in the child. The authors concluded that interventions are most effective when they are court-mandated and include sanctions for non-compliance, when they are implemented early and in cases where PA is not severe (Templer et al., 2016). Based on their findings, the authors identify criteria which can be considered ‘key ingredients’ for effective interventions. These are presented in Box 3.

**Box 3: Key ingredients for therapeutic interventions for PA** (adapted from Templer et al, 2016)

Therapeutic interventions for PA should be court-sanctioned and involve each of the parents and the child. They should aim to protect the child from harm caused by PA, use therapeutic interventions that reduce the child's distress and improve their psychological well-being, and should establish healthy boundaries and communication within the family, working to improve the relationship between child and alienated parent. Required therapist skills are a non-judgmental approach and an ability to form a rapport with each of the parties. More specifically, therapeutic content should be delivered in both family and individual sessions, and should include the following:

- Psycho-education about PA for each family member;
- Techniques that challenge the child's distorted thinking and teach critical thinking skills;
- Preparation of the alienating parent for an improvement in the quality of the relationship between alienated parent and child, challenging their distorted thinking; and
- Conflict resolution techniques to repair the co-parenting relationship

There is only one study in the literature which has used a quasi-experimental design in order to ascertain effectiveness. Toren et al (2013) evaluated an Israeli short-term group therapy programme with 16 parallel sessions for 22 children (aged 6-16 years) and their parents.



Families had been referred to the programme by the court and social welfare authorities, and in all but one case the custodial parent was the mother. The control group comprised 48 children who were treated with standard 'community treatment'. A detailed description of either the intervention or the control treatment is lacking. The authors define PA as where children have refused to see one parent for at least four months. There is no indication, however, on whether other reasons for contact refusal had been explored. This is an important consideration as PA is often assumed rather than proven, and particularly in the case of overlaps with DA the dire implication of 'misdiagnosed' PA is that the child may be forcibly placed with an abusive parent.

The intervention group in Toren's study was tested for levels of anxiety and depression in children, using self-report measures (Revised Children's Manifest Anxiety Scale and the Children's Depression Inventory). The Bell Object Relations and Reality Testing Inventory (BORRTI) was also administered to test for parental object relations, which is a measure of respondents' ability to sustain essential relationships, measuring object relations of 1) alienation, 2) insecure attachment, 3) egocentricity and 4) social incompetence. A full pre-post-test was not conducted, as only the intervention group was tested at T1<sup>34</sup> and T2 (a week before first and last sessions). Both groups were evaluated at 12-months follow-up (T3) through interviews with social workers and an outcome measure quantifying the number of visits with the alienated parent in the last year and the level of cooperation between parents about their child.

Toren et al's (2013) findings showed a significant reduction in children's anxiety and depression following the therapeutic intervention for PA. At 12 months follow-up, levels of cooperation between parents was significantly better in the PA intervention group, compared to the control group. Lower levels of parental object relations were associated with higher baseline anxiety in children. The authors concluded that those children who were most affected by their parents' poor object relations benefitted most from the PA intervention.

The US-based PA programme *Family Bridges* has received some attention in the PA literature. The programme is robustly designed using an evidence-based approach for both content and delivery modes, and a detailed description of the design, content, and process is available (Warshak, 2010). The first non-office-based four-day parenting programme is designed to help alienated children adjust to court orders that place them with the alienated parent while the court has temporarily suspended the child's contact with the favoured parent. The process takes families individually through the programme rather than in group sessions. The authors make clear that this intervention is not intended for those families where there are legitimate grounds for rejection of a parent. The programme is described as 'future-focussed' and educational rather than psychotherapeutic. It works to restore relationships, strengthen children's critical thinking, help children maintain balanced views, help to develop compassionate views and strengthens parents' nurturing skills. The content of the programme includes engaging and educational videos, meals together, exercises in perception which teach critical thinking, exercises which allow for application of learning to families' own situations, and skills training in effective communication, dispute resolution, and parenting.

The programme has not been evaluated using formal outcome measures. It has taken the outcome of restoration of a positive relationship as the outcome of interest, using children's statements and observations of parents, workshop leaders and the aftercare specialist. Follow-up in most cases (19 out of 23 children) spanned a period of two to four years. The results indicate that, in the main, participants repaired their relationship with their alienated

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<sup>34</sup> Where T = Time point



parents and this was generally sustainable. At the end of the programme, 22 out of 23 children restored a positive relationship with the alienated parent. This was maintained at follow-up for 18 of the children, and those that were described to have relapsed had had premature contact with the alienating parent.

Whilst this study is strong in its programme design, it is let down somewhat by its weak evaluation design, particularly in the definition of 'success' of the programme. As Kelly (2010) points out, in families where there is PA determining success is a complex matter, and goes beyond the re-establishment of a relationship with the alienated parent. Kelly asks for a fuller consideration of behavioural, emotional, and cognitive dimensions of success, which include the child's psychological and behavioural response to both parents and positive changes in attitudes and behaviour of both parents following intervention.

A later study of *Family Bridges* (Warshak, 2018) in which there were four times as many families as in the previous programme (83 children in 52 families and their rejected parent) relied on structured bespoke measurement instruments to elicit data from parents, children and workshop leaders, using measures of inter-rater reliability and measures of pre- and post-workshop parent-child relationships. Warshak reports that, '[t]ypically the judges, custody evaluators, and guardians ad litem said that this was the "worst case of parental alienation" or the "most severely alienated child" they had seen in their career' (Warshak, 2018, p.7). Data from this study were more robust with an analysis of statistical data on a range of outcomes that provided more nuanced and multi-faceted criteria of success or failure. There was high statistical significance of court order compliance resistance dropping from 85% to 6% and 4% after the workshop (according to parents and workshop leaders respectively). It was concluded that severely alienated children and adolescents will cooperate with custodial arrangements after attending the 4-day Family Bridges workshop. "*A viable solution is a program that can motivate children to comply with the custodial arrangements, avoid acting out, and restore a positive relationship with their rejected parent*" (Warshak, 2018, p.16). If the criterion for success in overcoming the rejection of a parent is a post-workshop alienation score in the bottom half of the scale, then 96% of the children in this sample of 83 children and young people had significantly overcome their alienation.

Another example of a US-based programme for PA is the *Overcoming Barriers Family Camp*, (OBFC) reported on by Sullivan, Ward and Deutsch, (2010). Similar to *Family Bridges*, this programme is described in detail, appears to be well-designed, but as acknowledged by Sullivan, is let down in its limited evaluation. It is reliant on findings from only exit interviews with 10 families, and six-month follow-up of half of these. The programme was developed by a group of forensic psychologists, court personnel, lawyers and a judge. It includes all family members including parents and/or partners, and siblings/step-siblings. It is a court-mandated programme, paid for by families.

The programme is described as a five-day family camp experience combining both psycho-education and clinical intervention. It aims to have a co-parenting plan in place by the end of the camp and aftercare support is provided to ensure this work is maintained. Clinical psychologists deliver psycho-education groups for parents and children in separate groups for children, alienated parents and alienating parents. Both parents together attend co-parenting sessions. In addition, there are recreational 'camp' activities. This programme differs from *Family Bridges* in its clinical work and addressing the conflict itself.

During exit interviews parents provided ratings of the programme using a scale from one (very poor) to five (very good). Ratings of the camp experience were positive, all falling within the top two scores of four and five. Children provided feedback which included advice for parents (e.g. they should learn how to parent and get along), and advice for other

children who might attend (e.g., to stay strong and give their parents a chance). Follow-up findings from five of the families show mixed impact in relation to contact with alienated parents. One family is co-parenting successfully and a second family has established regular contact with the alienated parent, but the other three families were reporting some struggles, including one where all access had ceased, and two where there is still resistance to contact with the alienated parent. Kelly's (2010) critique of *Family Bridges* also applies here in relation to the definition of success of PA interventions, since this very small-scale evaluation was limited to participant experience of the programme and re-establishing contact.

A Canadian programme, the *Family Reflections Reunification Program* (FRRP), has been evaluated with follow-ups at three, six, nine and 12 months for 12 families (22 children in total) (Reay, 2015). It is similar in design to *Family Bridges* and *OBFC*, in that it is a four-day retreat aimed at repairing the relationship between children and alienated parents. The programme is built on a family systems approach and includes psycho-education, psychological support and outdoor experiential activities. The whole family is supported with siblings also attending, and alienators given parallel counselling support. Aftercare includes a care plan which has continued therapy built into it.

Reay (2015) reports a 95% success rate based on the outcome of a re-established relationship between the child and alienated parent. Similar to previous studies reported, the definition of success is therefore narrowly defined in terms of a re-established relationship. In addition, Reay states that this programme demonstrated that separation from the alienating parent is not detrimental to the child, and that once removed from this parent the child begins to feel emotionally safe and reconnects with the alienated parent. This offers a response to Mercer's (2010) critique of potential harm being caused to children enrolled on PA programmes.

The four programme evaluations included in this review are not intended to be a conclusive list, but rather show the sorts of programmes which have been evaluated, how success is typically defined in these programmes and their effectiveness. Table 4 presents a summary of the programmes for ease of comparison. It shows that most of the programmes reviewed describe similar programmes in terms of a 'camp' experience over multiple days. In one case a full description of the intervention is lacking. In most cases the definition of success is limited, not capturing a full range of psychological and emotional outcomes.

**Table 4 – Summary of evidence for therapeutic programmes for parental alienation**

Location	Intervention	Evidence type	What is success?	Results	Strengths & limitations
<b>UK</b>	<u>Cafcass Positive Co-Parenting Programme (CPPP)</u> - 12 week programme - 4 structured session for parents and child individually and all together in final session	No published evidence of independent evaluation	- Positive change in making child-centred arrangements - Improved communication between parents - Reduction in emotional harm to the child - Reduction in duration of court proceedings and delay	N/A	<u>N/A</u>
<b>UK</b>	Family Separation Clinic - Specialist support which works within a legal framework to assess PA, reunify child and alienated parent, and provide therapy to integrate the “child’s internal split state of mind”.	No published evidence of independent evaluation	- Re-establishment of relationship between child and alienated parent - Restoration of integrated self in child	N/A	N/A
<b>Israel</b>	<u>Short-term group therapy</u> - 16 parallel sessions for children and their parents - Referrals through court/social welfare	- Quasi-experimental design, with intervention group of 22 children, and control group of 48 children treated with ‘community treatment’ - 12 month follow up	- Impact on mental health of children affected - Improvement in parents’ ability to sustain relationships and cooperate - Increased contact with alienated parent	- Children in intervention group showed significant reduction in anxiety and depression - At 12-month follow-up cooperation between parents significantly better in intervention group compared to control group	<u>Strengths:</u> - More robust design than other research BUT pre-post element not applied to control group - Inclusion of mental health measures using standardised tests <u>Limitations:</u> - Limited intervention/control group description - No exploration of alternative reasons for contact refusal (e.g.

					<p>ruling out abuse)</p> <ul style="list-style-type: none"> <li>- Control group and intervention group only compared at 12 months follow-up, which did not include the mental health measures</li> </ul>
<b>US</b>	<p><u>Family Bridges (2010)</u></p> <ul style="list-style-type: none"> <li>- 4-day programme working with individual families</li> <li>- future-focussed &amp; educational combining critical thinking with parenting and communication skills</li> </ul>	<ul style="list-style-type: none"> <li>- Children's statements and observations of parents, workshop leaders, aftercare specialist – 23 children</li> </ul>	<ul style="list-style-type: none"> <li>- Restoration of positive relationship between child and alienated parent</li> </ul>	<ul style="list-style-type: none"> <li>- At end of programme 22 of the children had a positive relationship with alienated parent, with this maintained for 18 children at 2-4 year follow-up</li> </ul>	<p><u>Strengths:</u></p> <ul style="list-style-type: none"> <li>- Robust evidence-based design</li> <li>- Clear exclusion criteria re. families where rejection of parent is justified</li> </ul> <p><u>Weaknesses:</u></p> <ul style="list-style-type: none"> <li>- No use of formal outcome measures, with narrow definition of success</li> <li>- No involvement of alienator parents</li> <li>- No pre-post design</li> <li>- evaluation not independent/objective</li> </ul>
<b>US</b>	<p><u>Family Bridges (2018)</u></p> <ul style="list-style-type: none"> <li>- 4-day programme working with individual families</li> <li>- future-focussed &amp; educational combining critical thinking with parenting and communication skills</li> </ul>	<ul style="list-style-type: none"> <li>- Structured measurement instruments. Pre- and post-workshop Child-parent relationships – 83 children</li> </ul>	<ul style="list-style-type: none"> <li>- Better quality of parent–child relationship</li> <li>- Positive feelings about the workshop</li> <li>- Professionals' behaviour toward children</li> </ul>	<ul style="list-style-type: none"> <li>- Resistance of compliance Court order dropped from 85% to 6%</li> <li>- 96% of children had significantly overcome their alienation</li> </ul>	<p><u>Strengths:</u></p> <ul style="list-style-type: none"> <li>- Good sample size</li> <li>- Children with rejected parent only: relationship repair</li> </ul> <p><u>Weaknesses:</u></p> <ul style="list-style-type: none"> <li>- No randomisation of children by custody arrangements</li> <li>- No standard scales</li> </ul>
<b>US</b>	<p><u>Overcoming Barriers Family Camp</u></p> <ul style="list-style-type: none"> <li>- 5 day family camp of psycho-education, clinical intervention, recreational activities</li> <li>- Includes both parents, partners, siblings, step- siblings</li> </ul>	<ul style="list-style-type: none"> <li>- Exit interviews with 10 families, 6 month follow up for 5 of these</li> </ul>	<ul style="list-style-type: none"> <li>- Satisfaction with programme</li> <li>- Increased contact between children and alienated parents</li> </ul>	<ul style="list-style-type: none"> <li>- Positive ratings of programme given by parents.</li> <li>- At follow-up, one family co-parenting, one family in regular contact with alienated parent, 3 families struggling</li> </ul>	<p><u>Strengths:</u></p> <ul style="list-style-type: none"> <li>- Well designed with legal/mental health professionals</li> </ul> <p><u>Weaknesses:</u></p> <ul style="list-style-type: none"> <li>- Very small sample size, with limited evaluation (no pre-post design)</li> <li>- Narrow definition of success</li> </ul>

<b>Canada</b>	<p><u>Family Reflections Reunification Program</u></p> <ul style="list-style-type: none"> <li>- 4-day retreat based on family systems approach including psycho-education, psychological support, and outdoor experiential activities</li> <li>- Whole family including siblings supported</li> <li>- Alienator parents given parallel counselling support</li> <li>- Referrals through family court in US/Canada</li> </ul>	<ul style="list-style-type: none"> <li>- Evaluation at end of retreat, and at 3/6/9/12 months follow-up, with 12 families (22 children)</li> </ul>	<ul style="list-style-type: none"> <li>- Re-establishment of relationship between child/alienated parent</li> </ul>	<ul style="list-style-type: none"> <li>- 95% success rate of relationship being restored</li> </ul>	<ul style="list-style-type: none"> <li>- Effectiveness demonstrated in less than half sample</li> </ul> <p><u>Strengths:</u></p> <ul style="list-style-type: none"> <li>- Well designed to include whole family and aftercare therapy</li> <li>- Evaluation has multiple follow-ups built in</li> </ul> <p><u>Weaknesses:</u></p> <ul style="list-style-type: none"> <li>- Limited discussion of results</li> <li>- Narrow definition of success</li> <li>- No pre-post design</li> </ul>
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### 3.4.4 Issues and challenges

There are a number of challenges presented by the therapeutic literature for PA. The first is one of comparability, as shown in Table 4. While some of the interventions are similar in terms of their design, evaluation methods differ greatly. This makes generalisability and replicability difficult. Furthermore, evaluation design is weak in all cases with a distinct absence of a full range of outcomes being assessed against a group of matched controls, using a pre-post design. Doughty, et al. (2018) note the weaknesses in the evidence, including small sample sizes, poor sampling, over-reliance on retrospective accounts, lack of longer term follow-ups, and focus on specific populations and in specific geographical locations. With a heavy concentration of studies conducted in North America, wider generalisability is difficult due to cultural variations in roles, approaches and practice (Doughty, et al., 2018).

There are also a number of un-evaluated programmes which have been discussed in the academic and grey literature. In the UK context, it would be imperative for future research to evaluate the effective interventions introduced by the FSC. Beyond this, more specific styles of therapy have been recommended without credible evidence for their application to PA, for example trauma therapy and mindfulness (Ajoku, Drozd and Deutsch, 2020), and polyvagal theory based interventions (Bailey, Dana, Bailey and Davis, 2020). It is important for future research to evaluate these approaches against a range of outcomes and using robust research designs.

Mercer (2019) also notes a lack of evidence which looks at effectiveness for other family members such as siblings. This could also be applied to the effects on grandparents, aunts and uncles. It would be useful to see an exploration of effects for different cultural backgrounds and demographics, for example, whether these results can be replicated for those families which are more reliant on extended family structures and for those who come from more deprived areas of the UK. The interventions evaluated are costly and in most cases paid for by families. This is an impractical solution for those families who cannot or are not willing to foot the bill. Options for support for families in these cases warrant consideration.

Willingness to engage can also be a factor which affects the success of interventions. The need for court-mandated intervention can mean that parties – including alienated parents – do not have appropriate levels of motivation or commitment to the intervention goals. Implications of this ought to be considered by future research, particularly in relation to the mechanisms by which motivation can be increased, and what this means for the longer term success of interventions from the perspectives of children, both parents and other family members.

#### **Prevention**

A preliminary report of the PASG Prevention Project (Child and Marcus, 2020) provides preliminary thinking that aims to foster working as much on prevention as on intervention. Suggestions for prevention emphasise the need for multidisciplinary education of all professions involved, but also that prevention starts much earlier in that cases should be prevented from getting to the stage of adversarial misguided litigation. A selection of suggestions drawn from the list includes the following:

- Teach young people about life, e.g., to spot and avoid wrong friends and partners;
- Social impact media campaigns to build the value and importance of family ties;
- School-based programs to spot and help post-separation trouble (including PA);

- Mandatory education in PA for family judges, lawyers, and professionals; and
- More early routine education and support for separating couples (Child and Marcus, 2020, p.2).

This updates previous work on reducing parental conflict by the Early Intervention Foundation (EIF, 2020).

### 3.4.5 Summary

The therapeutic literature is dominated by research outside of the UK context. This was necessary since there is a lack of comparable interventions being delivered in the UK. The exception to this is the highly regarded work of Karen Woodall, conducted at the Family Separation Clinic. This has not yet been independently evaluated, however. Nor has it been described in the same operational detail as other interventions reviewed. It is therefore difficult to make direct comparisons between this and evaluated interventions across the world. Despite variation between interventions there are some key messages from the therapeutic literature. These include the need for specialist provision which sits outside of traditional models of therapy; the need for clear linkages of interventions with the legal system; and the need for interventions which combine experiential activities which reunify children with alienated parents, psychoeducation, critical thinking skills in the child, and communication skills between the parents.

## PART 2: THE NATIONAL SURVEY

## 4 The national online survey: findings from the scoping study

(See Section 2.2 for a reminder of the method)

### 4.1 Section A: Legal/social work professionals

Only respondents who work in the legal and social work field were asked to complete Section A in order to capture views of those who have direct experience of the family court. This resulted in nine respondents completing this section.

Cafcass responded that, in 2019-20, they received 63,747 new cases in public and private law and worked with 141,253 children and young people and their families. High conflict and parental alienation feature most commonly in private law work. Cafcass were involved in 45,694 private law cases in 2019-20 (over 70% total cases). The definition of parental alienation as a concept in family court cases, its surrounding terminology and its scale remain under debate, meaning there is no clear data as to its extent. Given this context, they do not include parental alienation as a case factor on their Case Management System. However, they have started to collect case factor data – including alienation/alienating behaviours – for cases in which the practitioner has sought a consultation with its Psychology Service to support their assessment. This small-scale study should not be considered as representative of Cafcass' overall casework as it relates only to cases which are appropriate for this consultation service. Nevertheless, when practitioners were asked to indicate one of the most significant case factors that prompted the consultation, alienation/alienating behaviours was the most selected case factor, identified in 53 out of 168 (32%) cases. This does not mean that Cafcass or a court concluded that a parent had exhibited alienating behaviours; merely that this was a line of enquiry on which specialist psychologist advice was sought.

Respondents were asked **how they currently rate the effectiveness of family law processes**. The majority stated that family law processes were extremely ineffective [seven (77.8%)], whilst only one (11.1%) stated somewhat ineffective and one (11.1%) stated neutral. Respondents were asked how they currently **rate outcomes from family court generally**. The majority [six (66.7%)] stated that outcomes from family court were extremely poor, whilst two (22.2%) replied somewhat poor and one (11.1%) remained neutral. **Outcomes from family court for children experiencing parental alienation** were mainly rated as extremely poor [seven (77.8%)]. Only one (11.1%) stated somewhat poor and one (11.1%) remained neutral.

Respondents were asked to **cite one or two published cases that resulted in good outcomes** for children affected by parental alienation and why they thought these were good outcomes. Responses were mixed, with one respondent stating that family court cases are not typically public due to the involvement of children and one stated that they were not sure which ones were currently published. One respondent simply wrote 'None' and one other stated:

*'There are no cases, as even the cases that did go down the transfer of residence were too late, harming the child.'*

However, another provided the case of:

*'Re: B [2017] - change of residence where the child could do so without undue trauma or hardship.'*

In order to clarify and explain their thinking, one respondent who lives and works in Spain provided an analogy with the medical profession:

*'We need early intervention and triage in family courts to experts who can deal with this. The poor family are stuck in ignorant magistrates or [District Judges] who have never been trained on PA. Hospital A&E take a very pain stomache [sic] and they follow set protocol to determine if it is internal bleeding & then triage to an expert for surgery, they don't just stand around discussing the pain hoping it will get better while the patient bleeds out. Prevention is better than cure (Sweden model) early expert intervention with judge and child expert & video link to children with court ordered therapeutic intervention (Israel model).'*

Respondents were asked to **cite one or two published cases that resulted in poor outcomes for children affected by parental alienation** and why they thought these were poor outcomes. Two respondents who live and work in the USA provided one case each that resulted in poor outcomes for children affected by parental alienation, although they did not provide a reason for the poor outcomes. However, the law in the UK is different to that of the USA in that cases must be anonymised so this report is unable to cite those two cases. Only one case was mentioned, that of:

*'Re A [2019] HHJ Wildblood: the result was poor not because of HHJ Wildblood's decision at that hearing but because of all the hearings before it. The system failed these children parously. And where is the sanction on them? Who guards the Guards?'*

*'Unfortunately we don't to see the many cases of poor outcome, as they never reach high court. Parents:*

- *give up with PTSD;*
- *decide to stop to put their children first and protect them (King Solomon's);*
- *the parent commits suicide; or*
- *the child commits suicide [book - A Kidnapped Mind].'*

*'Courts do not measure CSF<sup>35</sup> & KPIs<sup>36</sup> that put children first and protect them long term or give them long term positive outcomes. They should be measuring success from the service users, i.e., both parents and child during court and after judgement 1, 2, 5, 10 years. The child's voice & Gillick competence is putting children at risk when it comes to PA, due to ignorance & a lack of known tools & solutions available to judges.'*

Seven (77.8%) respondents stated **they had been involved in cases in which they had identified parental alienation was a factor**, whilst two (22.2%) had not.

In cases where the Court delivered **a sanction for breaching one or more Court Orders**, five (55.6%) respondents stated they had not been involved in such cases, three (33.3%) had been involved, whilst one (11.1%) was unsure. When asked **what sanctions were made**, no respondent reported knowing of any sanctions having been made, and only three respondents identified specific additions to subsequent Orders, such as *'inclusion in recitals of an Order that alienator may have negatively influenced the child'*, *'enforcement order for contact'*, and *'change of residency for the child'*. The majority wrote very negative views on

<sup>35</sup> Critical Success Factors

<sup>36</sup> Key Performance Indicators



the Court's failure to respond appropriately and use the powers they have in response to breaches, as judges are 'clueless' of parental alienation, and there is very little continuity of judges. The general view was that perpetrators of alienation are allowed to emotionally abuse and alienate children from their other parent and breach Court Orders without penalty. In other words, 'C79s<sup>37</sup> are often useless.' It was also the common view that victims do not get any justice from family court. For example:

*'No penalty: no sanctions to the alienator (ranked as most frequent); giving the alienator the children; taking the children from the targeted parent entirely; charging the targeted parent with false allegations of abuse and neglect; rarely supervised visitation; and rarely removal of custody (ranked as less frequent).'*

*'Sanction is mainly "please encourage your child to see the parent" or "It's too stressful for a child to see a parent they do not want to see; it would harm them too much; we have caught it too late there is nothing we can do; I order you indirect contact, write cards and send presents".'*

Finally, in this section, respondents were asked to comment on their **experience of remote family court hearings** using the Cloud Video Platform (CVP) during Covid-19 lockdown. It seems from the responses provided that only audio hearings have taken place – no video. Although only one respondent stated they had no direct experience of using a video platform in court cases, another recommended that the technology needs to be used well and users trained well. However, for those who had experienced CVP, opinions were generally negative with judges said to rush hearings and not consider all the information provided, judgements being written down incorrectly or to suit the barrister writing the court order, confidentiality and identity management issues to be resolved, there seem to be no in-court witnesses. Negative comments included:

*'With barrister speaking for the parent the judge never gets to see the true colours of an alienating parent.'*

*'It has enabled perpetrators to lie more and more effectively.'*

*'Information from parents in private court proceedings would suggest this has been problematic. This was discussed with a resident parent who had a child with learning difficulties and continued with the hearing whilst the child was in the room. The parent and the child were shielding due to health reasons.'*

However, there were also positive views of CVP in that virtual hearings can save both applicants and respondents the costs of travelling and childcare, they allow clients' stress levels to be lowered and therefore are better able to record what is happening, and it is more private than attending court in person. One respondent commented:

*'Remotes hearings have helped protect victims as they don't have to be in the same building.'*

Two (22.2%) respondents stated that they also worked as a mediator so went on to answer section B. One (11.1%) also worked as a therapist or counsellor so went on to complete section C, whilst six (66.7%) worked in neither of these fields so went on to answer section D.

<sup>37</sup> Form C79: Application to the court to enforce a child arrangements order

## 4.2 Section B: Mediation professionals

Only respondents who work in the field of mediation were asked to complete Section B of the survey. This resulted in six respondents completing this section (four who worked solely in mediation, and two who worked in mediation as well as the legal sector). One respondent was self-employed and five were employed in mediation services. Of the six respondents, all were Accredited Mediators, two (33.3%) were Child Consultants, two (33.3%) were Professional Practice Consultant Mediators and one (16.7%) was an Advisor to the College of Mediators.

The type of work undertaken by mediators included mainly legally aided work [five (83.3%)]. four (66.7%) work with children only, four (66.7%) worked with all issues, four (66.7%) with MIAMs, four (66.7%) worked in child consultation, four (66.7%) provided private mediation, and two (33.3%) worked in public law mediations and financial mediation. Alongside or in support of mediation, one (16.7%) provided legal advice, one (16.7%) provided counselling, two (33.3%) provided child consultation and three (50%) provided supported contact, separation coaching and shared parenting coaching. None of the respondents or the organisation they work for offered child counselling.

Four (66.7%) referrals to mediators were said to be received from lawyers, three (50%) from courts, three (50%) from the CAB, five (83.3%) were self-referrals, and two (33.3%) other referrals included word of mouth, and local authorities and GPs.

The **number of mediation cases that involve children** dealt with annually was quite broad, ranging from five, to 20-40, to *'hundreds'*.

Finally, in this section, respondents were asked to comment on **their experience of remote working during Covid-19 lockdown**. Only one respondent had no experience of online working with clients whilst many found online mediation very difficult. For example, online delivery was said to be difficult for child consultation as the child is always with one parent, there has been an increase in cases in which contact has been blocked, and it was said that many used Covid-19 as a means of coercive control to block parenting. One respondent summed this up by having to...:

*'...resort to Zoom mediations and MIAMs - as many cases as ever, but although it has some advantages this is a much less satisfactory and effective method of mediation.'*

However, other respondents were somewhat receptive to new ways of working, commenting that online mediation works well at times, and one respondent stated that although online mediation has been challenging at times...:

*'... However, I have also found this a valuable opportunity to expand my practice and find a new and innovative way of working with people.'*

One respondent stated that they also work as a therapist or counsellor, whilst 5 (83.3%) did not, so only one respondent working in the mediation sector went on to complete Section C.

## 4.3 Section C: Therapy and/or counselling professionals

Only respondents who work in the field of therapy and/or counselling were asked to complete Section C of the survey. This resulted in four respondents (one of whom is also a mediator). Three were self-employed and the other did not state their employment status. One was a therapist, one a family therapist, one a volunteer, and one a coach and consultant with extensive training in marriage and family and psychological abuse.

**Referrals were received for parental alienation cases** from mediators, courts, organisations, the internet, other professionals, word of mouth, lawyers, BACP counselling directory and self-referral. When asked to describe the **profile of their clients**, responses included families, high conflict couples, alienated parents, alienated children and alienated grandparents.

In turn, respondents were asked to **describe the interventions** they offer, including the name of the intervention, its theoretical underpinning, and whether and how it is tailored to the specific needs of those affected by parental alienation. None provided the name of a specific intervention, theoretical underpinning or how it is tailored to individual need. However, it was stated that each case is seen on its merits and that it is unhelpful to focus on alienation as a phenomenon. Instead they find it more therapeutically beneficial to look at the dynamics and behaviours leading up to the separation on an individual and unique basis. Whilst one respondent offered counselling, another denounced it as being helpful in the context of a family law dispute. For example:

*'Coaching and **counselling services** based on 30 years of training and extensive intensive education in alienation, MFT, psychological abuse. Teaching critical thinking skills, re-enforcing individual counselling, referrals to support groups, resources and referrals to experts and professionals, text, phone and email support with daily issues and legal issues.'*

*'I coach and mentor, and offer empathy and deep listening, and reflection. Most parents can't afford lawyers, barristers, paying for family home, paying for rented accommodation for themselves, and counselling. **Counselling does not often deal with the real issue of dealing with the court case** (this report authors' emphasis).'*

The **key components of interventions** for parental alienation included critical and analytical thinking skills, psychoeducation, conflict resolution, relationship support, de-escalation, acceptance and understanding, mindfulness and meditation, and stress management. One respondent stated that *'disability and advocacy support'* is a key component of interventions. However, in the contested arena of parental alienation, one respondent made it clear that to keep an open mind at all times is important and to listen closely to children:

*'... Look at the dynamics of the relationship and the behaviours of those involved. Understanding that things are not always as they first seem, so maintaining an openness to change views on roles ... Listening to the children and making sure they know I am is critical.'*

Two respondents stated that their service works as part of a multi-disciplinary team, or with other fields of expertise, for example lawyers, therapists and mediators although two do not have that opportunity. One respondent stated:

*'I am normally dealing with the alienated parent who has been left to deal with PA on their own with little support and understanding from all support services.'*

Two respondents stated that they were ‘somewhat dissatisfied’ and two ‘extremely dissatisfied’ with the **effectiveness of therapeutic interventions** for parental alienation.

Finally, in this section, respondents were asked to comment on their experience of delivering therapy during Covid-19 lockdown. Most respondents considered remote working as ineffective, commenting that to deliver therapy online or by phone is much more tiring:

*‘This has been done by phone, which makes rapport difficult. I prefer face to face for first meeting to establish truth and body language and micro expressions.’*

## 4.4 Section D: Questions for all respondents to answer

Of the 29 responses, 19 (65.5%) stated that they know of practitioners and/or therapeutic or mediation interventions that address parental alienation in the UK, whilst 10 (34.5%) said they were not aware of any. Very few actually named those practitioners they are aware of. One respondent’s comment was indicative of a very negative view on the expertise of what they termed ‘*self-proclaimed experts in parental alienation*’. We chose not to include the whole quotation as it was subjective and used very emotive language and provided no facts as to why or how the person named was described as ‘*a fraud and a failure*’.

One respondent cited supervised child contact centres are good in working to reconcile children with their alienated parent through working with the alienator, although this work is individual to each contact centre and dependent on the level of experience of the therapist/social worker. One respondent who works as a mediator pointed out that an understanding of parental alienation perhaps limits a practitioner’s ability to deal directly with it:

*‘This all depends on what is defined as parental alienation - many mediators will be dealing with this kind of problem in the course of their work without necessarily categorising their work with this label.’*

The majority of respondents [19 (65.5%)] stated they have **signposted cases involving parental alienation to other services**. One respondent commented that:

*‘Where it appears that mediation may not be suitable because of serious allegations against the other parent, signposting to legal advisors and/or social services would be possible.’*

Few respondents [eight (27.6%)] stated that they or the organisation they work for have an **assessment framework for identifying parental alienation**. When asked to describe that framework and its use, there seemed to be a variety of tools that respondents used, including ‘*a combination of Bill Bernets or Amy Baker*’ and ‘*Dr Childress’ assessment tool for attachment based parental alienation*’. Some assessments were described in more informal ways rather than working to a formal assessment framework. For example:

*‘To provide best next step for client parent or professional, engage in sufficient detailed email or phone exchange. Explicit caveats about the limits of my informal authority to assess or advise. Ensure access to adequate information resources – e.g., about PA, DV etc.’*

*‘Personal experience and years of working with it.’*

However, other respondents were quite specific outlining their adoption of a thorough assessment framework:

*'I draw on all available literature & evidence to conduct a holistic assessment of the family. Where warranted including psychological profiles. I assess each family member, observe interactions, interview independent 3rd parties (e.g., school, social worker) and undertake a thorough review of independent documentary evidence including police, health, education, LA social work. If necessary I request therapy records (detailed).'*

*'A global psychological family assessment to assess predisposing, precipitating and perpetuating factors in relation to contact breakdown. A parenting, relationship and mental health history; and psychometric assessment to explore parenting style, personality, attachment style and mental health issues in each adult. Observations, clinical interview and psychometrics with each child to explore emotional and behavioural issues and attachment relationship with each parent.'*

The corporate response from Cafcass states the following:

*'The Cafcass **Child Impact Assessment Framework (CIAF)** sets out how children may experience parental separation and how this can be understood and acted on in Cafcass. The framework was informed by an advisory group from Cafcass, comprising approximately 40 practitioners from across the country and led by Sarah Parsons, Assistant Director and Principal Social Worker for Cafcass. A range of academic material was used in developing the framework, which can be found in the [reference lists](#) within the guide for each folder. The framework brings together existing guidance and tools, along with a small number of new tools, into four guides which Cafcass private law practitioners can use to assess different case factors, including:*

- **Domestic abuse** where children have been harmed directly or indirectly, for example from the impact of coercive control.
- **Conflict which is harmful to the child** such as a long-running court case or mutual hostility between parents which can become intolerable for the child.
- **Child refusal or resistance** to spending time with one of their parents or carers which may be due to a range of justified reasons or could be an indicator of the harm caused when a child has been alienated by one parent against the other for no good reason.
- **Other forms of harmful parenting** due to factors like substance misuse or parental mental health difficulties where these are assessed as harmful to the child.

*The framework emphasises that safeguarding principles and child impact are at the heart of our assessment process, with assessments starting and ending with the question **'What is happening for this child?'** Each private law assessment is undertaken in accordance with the underlying principles of Cafcass private law assessments. As the FCA gathers information, they will use their professional judgement to decide which guides and tools are most applicable to the case, while always making reference to safeguarding principles and considering any impact on the child's welfare. Due to the complex circumstances that many children experience, it is likely that the FCA will need to use tools and guidance from various case factors. The case factors are not designed to be linear pathways and FCAs should navigate fluidly between the different sections depending on the risks present within the case. The Child Impact Assessment Framework training which accompanied the rollout of this framework was designed to equip our private law practitioners with the skills and knowledge to make highly effective and child-centred analyses of the impact of harm.*

*The **child resistance or refusal to spending time with a parent** folder includes a structured guide and accompanying tools which help the FCA recognise when this is happening, explore the reasons why, understand and analyse the impact on the child, and recommend the best way forward to bring about positive change for this child. For example, the **Typical behaviours exhibited where alienation may be a factor** tool is used by Family Court Advisers (FCAs) after*



*they have completed interviews with parents and children and gathered relevant information from other professionals which indicated the child resisting or refusing time with a parent is not justifiable rejection and in the absence of other primary factors such as affinity, attachment or the child's independent preference. The purpose of the tool is not to apply a label to the adult behaviour, but to support the analysis of the child's experience.'*

Fewer than half [11 (37.9%)] respondents stated they have **received training in parental alienation**. Most respondents rated the training they had received as generally satisfactory. It was remarked by one respondent that the training received was '*...good but insufficient as it did not relate directly to mediation practice*'. Generally, respondents received training in parental alienation as a result of self-driven interest and years of experience gained by working in the field. It was said that seminars and webinars have been attended but, whilst these were good as awareness-raising activities, they did not appear to be accepted as formal training. Three respondents stated that had received a two-hour awareness-raising session on line with Karen Woodall (one of whom was offered this as a CPD activity by the Family Mediators Association). Others stated they learned from the published work of academics and practitioners in the field including Dr Sue Whitcombe, Dr Craig Childress, Linda Gottlieb, Steve Miller, Relate (as part of DA training), Amy Baker, Dr Jayne Major and Dr Matthew Sullivan, Clinical Psychologist and President of The Association of Family and Conciliation Courts. The Parental Alienation Study Group Annual Conference was also cited as a training event.

Finally, on the subject of training in parental alienation, one respondent declared:

*'Given its seriousness, there should be more formal training options available.'*

The majority of respondents [22 (75.9%)] said they have not **delivered training on parental alienation**, but of those who have [7 (24.1%)], a wide range of audiences were cited: the Universidad de Sevilla, many parents (coaching rather than training), McKenzie Friends, 30th Texas Annual Conference on Child Abuse; daily training of parents and professionals; webinars to parents and professionals; extensive website with resources and information and articles, the British Psychological Society, social workers, therapists, psychologists, psychiatrists, Relate, Children in Scotland, Psychology Associates, legal firms (solicitors and barristers) and therapy practices. One respondent stated they delivered in-house training to psychologists at to a firm of adult and child psychology expert witnesses, at two annual conferences for Family Solicitors, Social Workers and Judges in South West England.

21 (75%) respondents stated they had been **involved in cases involving implacable hostility**, whilst 7 (25%) stated they had not. When asked of their understanding of the **difference between implacable hostility and parental alienation**, responses showed that there is confusion over each of the terms, with both used simplistically for the more severely entrenched disputes post family separation. Neither was thought to be satisfactory, but at least 'parental alienation' (if indirectly) refers to the paramount focus of children's welfare. Implacable hostility could be interchangeable with parental alienation as the former was a term favoured by the courts over 10 years ago. Parental alienation was said to be another form of interpersonal violence by proxy, using the children as weapons causing serious psychological harm to the children. Some confusion exists. One view was that implacable hostility refers to those cases where one parent refuses to let the other parent see the children. Another stated that implacable hostility has evidential justification whilst parental alienation is irrational, whilst another said that in parental alienation there is an intention to sever the attachment bond between child and non-resident parent, yet did not provide their view on implacable hostility. Some consider the two terms have always been interchangeable and that they can overlap, with implacable hostility resulting in parental



alienation. One respondent thought that implacable hostility possibly has a higher chance of being resolved than parental alienation. One respondent considers that children can ‘imbibe’ [sic] implacable hostility from one of its parents. One respondent made clear their view that parental alienation is not a real and valid phenomenon by the following comment:

*‘Parental alienation doesn’t exist in the form a perpetrator uses it with family court. You cannot train a child to be fearful or hateful of a loving parent long term. It is used by perpetrators to avoid being found guilty of domestic abuse.’*

Yet this does not take into account the malleability of children and their innate ability to learn by copying and mirroring adult behaviours. Terminology in the area of emotional and psychological abuse of a child is not always well understood and differentiated, however behaviours associated with parental alienation are clear to those with expertise in the area. The general view can be summed up by the following responses:

*‘Implacable hostility is where both parents are very hostile and cannot see contact as positive at all. Parental alienation is where a child rejects a parent disproportionately from the experience they have had with that parent.’*

*‘Parental alienation is specifically targeting the hatred or rage that one parent has towards another, in the form that makes the child have the same feelings towards the target parent. It is a specific target. Implacable hostility is where the child is impacted by the dispute/hostility between the parents. Parental alienation can be part of implacable hostility, but not always. It is developed feelings from the entire process and hostility between parents.’*

Some respondents wrote of attempts to pathologise parents by the term parental alienation:

*‘Parental alienation has become associated with a movement to make it a diagnostic term and linked to adult pathological behaviour.’*

*‘They usually go together, especially with parents with narcissistic profiles.’*

*‘Never heard this term before [implacable hostility] but upon looking it up, it fits with my belief that alienators are filled with hatred, anger and rage as well as being stuck in the anger stage of the grieving process and cannot move forward.’*

Other respondents made a gendered argument for both terms:

*‘Both used in family court to blame mum for dad’s abuse. IH is the idea that the mother has vengefully stopped contact rather than for safeguarding concerns. PA is that the mother has psychologically manipulated the child to reject father - especially when child discloses sexual abuse. However, PA proponents seek to widen the definition to include anything - including when court has ordered indirect contact due to one parent being high risk. It means whatever they want.’*

*‘My understanding is that mothers are very reluctant, with good reason, to allow their children to be mentally and physically damaged by predatory paedophiles.’*

A more nuanced understanding came from one respondent who took a more circumspect view, although there is no acknowledgement of the intentional pattern of behaviours by one parent which is commonly seen in severe cases of alienation:

*‘I find both terms somewhat unhelpful. The reasons a child is resistant to/rejects a parent are complex, and most usually a set of interacting factors. It is rare a child rejects a parent solely on overt actions of one parent. More often unconscious behaviours of a parent lead a child to aligning with them and rejecting the other. Often there is a complex mix of bi-dimensional conflict*

*& intransigent behaviours with a failure of one or both parents to put a child's needs before their own.'*

The majority [21 (77.8%)] of respondents believed **parental alienation is a serious safeguarding issue**. However, two (7.4%) reported that they did not think so, whilst four (14.8%) were unsure. When invited to explain their answer, this question received the second highest number of responses to the survey overall, at 25.

*'I believe parental alienation is emotional and psychological abuse and if it is bad enough to reach the threshold of child abuse should be a case for safeguarding.'*

*'If a parent is capable of manipulating a child to this degree then they are not capable of meeting their emotional needs.'*

*'Even where there has been proven abuse by a parent of a child, moral values and public family law requires that all possible efforts be provided to sustain, repair and re-unite the family ties. To cut off a child from a proven loving caring parent is immoral and harmful, i.e., a safeguarding issue. A common pattern is for a resident parent to unduly influence and coercively control their child as a recruit in a harmful immoral cause. That is a safeguarding issue.'*

*'The proven damage to a child as a result of alienation or from alienating behaviours is so damaging to that child that to fail to recognise it as a significant harm is to permit a form of child abuse. That is not acceptable.'*

*'In my experience as a mediator the majority of cases involve high conflict and some behaviours that could be categorised as alienating. I am aware of, and concerned about, the potential for psychological damage to the child/ren. I see parental alienation as a form of emotional abuse which varies in degree and intensity.'*

*'Children must be protected by distancing them immediately from the parent who educates them in hatred. Children need a parent who educates them in love and respect for others.'*

*'Denying a child the right to have contact with both parents is detrimental. The importance of both parents allows the child to understand their identity.'*

*'Because at least one of the parents has lost sight of the emotional and or physical needs of their children putting them at risk of severe trauma.'*

*'The emotional and psychological impact of PA on a child is a significant and serious abuse issue which has a lifelong impact on that child.'*

*'The severe psychological impact of alienation and long-term implications on children's lives is a major safeguarding issue. Further, the target parent also has to grieve the loss of their child who is not dead. This leaves the target parent open to abuse from the surrounding community who may not understand why the child does not have a relationship with them. This causes extreme distress to the target parent.'*

*'A child's unwarranted rejection of a primary attachment figure due to the influence and/or manipulation of a parent or caregiver is emotional abuse. The lifelong consequences can be as significant as any other form of abuse or trauma.'*

*'Every case is unique and it will depend on the circumstances and severity of the alienation, the age of the children, the nature of their relationship with the aligned parent and the psychological impact on them of the loss of one parent from their lives.'*

*'Children need both parents in their lives. It is a form of abuse to not allow a child to develop their own relationship with one parent.'*

*'Children lose one loving parent through the case and then the other when they find out what actually happened when older. Each case and family dynamic is different and both parents can contribute.'*

The corporate response from Cafcass stated:

*'Our Family Court Advisers consider the intensity of the parental behaviours alongside the impact of these behaviours on the child to try to help parents and the court understand the impact of the separation and adult behaviours on individual children. The starting point of assessment is always the identification of risk to their safety and/or welfare. Where alienating behaviours feature in a case we are involved with, our practitioners will use their professional judgement to assess whether it is safe and in the best interests of the child to have contact with one or both parents, taking into account risk factors, evidence-based assessments, diversity issues, and the child's resilience and vulnerabilities. We then report our recommendations to the court for the judge to consider before they make their final decision about what contact the child will have with either parent.'*

*As set out in the Child refusal or resistance guidance, FCAs should give early consideration of all risks which may amount to a child protection concern and take action in line with the Safeguarding Policy as necessary. This is supported by the Recommendations for the child when alienation is a factor guidance which outlines the steps practitioners need to consider if it is established that the child is suffering harm warranting a referral to the local authority.'*

*As with all of our work, CIAF keeps the child's needs, wishes and feelings central to the recommendations we make to the court on who they should live with or spend time with. Each case will be assessed individually, and the final decision will be made by the court.'*

There are some slightly different views which suggest the non-existence of parental alienation based on lack of a formal definition and also that it is an alleged gendered matter. Such comments included:

*'Again there is no evidence to support that PA exists. All studies demonstrate that there are no possible diagnostic criteria. It is used to silence mothers and children and has deeply traumatic consequences to the security and emotional development of children who are ignored.'*

*'Sometimes. But most cases I see are cases where a woman is trying to keep herself and her children safe from an abuser.'*

The corporate response from Cafcass stated:

*'We use the following definitions of these terms ...:*

**Alienation:** When a child's resistance/hostility towards one parent is not justified and is the result of psychological manipulation by the other parent. **Active alienating behaviour:** Intermittent, intentional words or actions aimed at either undermining the child's relationship with the other parent as a result of hurt or anger or emotional vulnerability. They may feel genuinely concerned for the child in the care of the other parent, but these concerns are unfounded. **Persistent alienating behaviour:** Persistently acting in a way to hurt the other parent and destroy their relationship with the child, rarely showing empathy, self-control or insight and taking on an obsessive quality.

**Implacable Hostility:** Extreme, negative behaviour exhibited to undermine a child's relationship with the other parent/ carer.

*While there is no one clear single definition, Cafcass recognises alienation as when a child's resistance/hostility towards one parent is not justified and is the result of psychological manipulation by the other parent.'*

Following directly from this question, respondents were asked if the **family court is the right place to make decisions for children when parental alienation is a factor**. Notwithstanding the propensity for respondents to state that parental alienation is a safeguarding issue, over half of respondents [16 (55.2 %)] stated that the family court is the right place to make decisions for a child. When asked to explain their answer, respondents stated that facts need to be determined, and that family therapy does not work without a court order with alienator committing DA through coercive control and '*using children as weapons*'. In the absence of another context for dealing with the issue, the family court would need to be involved.

*'After working with families in this arena sometimes the only last resort is to prescribe a change of residency. The professionals in contact centres work hard with families to move them forward however we have no powers and ultimately sometimes orders are necessary although centres work hard so parents do not have to go to court.'*

*'Overarching judicial involvement and responsibility is required to help protect the affected child from the ongoing impact of the psychological and emotional abuse they are subjected to by the alienating parent which will require expert intervention to support the child and both parents.'*

*'Alienation is an act of abuse. Of course it should be dealt with by a Court, just as battery or assault would be. Just because you cannot see the damage, it does not mean it does not exist.'*

*'The court would be in a position to order therapy if necessary and could protect the right of the child to have a relationship with the other parent.'*

Some respondents were somewhat cautious of the family court being the right place to deal with parental alienation. Comments included:

*'The evaluation and recommendations of experts (such as Melanie Gill or Darron Spooner) should be taken and **the judge's discretion to ignore such evidence should be taken from them**. The best course of action would be for an order to be made and an assessment done at the Tavistock Clinic or similar setting. Based on the recommendations of the experts, high conflict mediation should occur and the judges should stamp or approve whatever came out of mediation.'*

*'Most cases in court, the child is alienated for years and their bond with the target parent is broken. We need proactive measures in place.'*

*'It should be however the way it operates is allowing PA to happen easily and on a regular basis, and without consequences for the perpetrator.'*

*'If the courts used the powers that they have been given, they are able to protect the children by the C79 enforcement process and ultimately can change residence so that the children can have a safe relationship with both parents, where it is safe to do so.'*

*'Court proceedings can be helpful if the case involves very young children and is resolved quickly. But **ongoing proceedings intensify conflict** between the parents with each taking a simplistic, reductionist stance that does not address the complexity of the predisposing, precipitating and perpetuating factors that are typically involved.'*



*'It needs input from **skilled and experienced guardians and social workers and a trained judge ... they are a very rare combination.** Ideally yes but currently no ... too many mistakes in identifying alienators.'*

Yet others suggested that the family court can sometimes be only part of the answer and added **caveats to adopting the family court** process, as follows:

*'I feel that therapy would be necessary to determine the level of the alienation and to find a way of working through some of the difficulties before a decision should be made about the child(ren's) arrangements.'*

*'So long as the court has access to expert advice from professionals who are able to work with the children.'*

*'Yes! But only if the family court consults expert psychology, and do so very quickly.'*

*'There needs to be more protection for women who have been abused. More understanding that some men are using the court process to continue to abuse women.'*

*'When a parent alleges parental alienation, a domestic abuse expert must be appointed as it is likely there are domestic abuse dynamics at play.'*

For those who responded that the **family court is not the right place** to make decisions for children when parental alienation is a factor, the over-riding reasons for this is the lengthy delays the court causes, lack of judicial continuity, court actors untrained in parental alienation and do not understand the associated risks to the child, and the family court does not resolve the conflict:

*'In almost every way, family courts are not the right system for sorting out disputes about children's family ties after separation. At the very best, family court delay will be 3 months to resolution. That is too long for a safeguarding issue. Without family law beckoning, child protection services could, where necessary, do this safeguarding and child and family support function, as they do with other child protection and support situations.'*

*'The family court in the UK perpetuates implacable hostility, in at least one of the parties. The time it takes to bring a case to completion is outside of the time limit for a child. Judges do not retain cases so there is inconsistency in management. FCAs do not know how to effectively recognise and screen for parental alienation. Worse, they do not know where to signpost.'*

*'Only where the adult behaviour is impermeable to change and likely to be rooted in individual pathology. Where PA is a conflict between different world views the court's search for an absolute truth is a risk as it will leave the underlying conflict unresolved, may deprive the child of a relationship with one parent or expose them to continuing hostility.'*

*'Family Courts are not properly trained and educated, nor are the majority of the professionals in them. Financial matters should only be handled in regular civil court. Anything else should be done with mediation and nonfamily court provisions as it is too easy to drag these cases on indefinitely with severe consequences to the children.'*

*'Until they are extensively and intensively trained in parental alienation, they continue to get it wrong and damage families.'*

*'Court orders do not work without consequence or impunity for alienators.'*

*'Not in a court system that we have in the UK. There are court processes around the world which have been more effective. I believe a multi-disciplinary approach with the authority of*

*the court and a thorough holistic assessment at the outset likely offers the best outcomes for a child.'*

One respondent claimed:

*'It should be dismissed in family court as it does not exist.'*

When asked if they believed that parental alienation should be **classified as a crime**, responses were mixed with 12 (41.4%) replying 'yes' and 17 (58.6%) replying 'no'. When asked to explain their answer, the highest number of responses to the survey was recorded at 29 (100%). It was clear from replies that parental alienation is already a crime of emotional child abuse – as well as DA - and that it has devastating lifelong consequences to children and other parents from deliberate and calculated acts. Comments included:

*'Abuse is abuse. I think the bar for criminal sanctions should be high. I also believe that parents who carry out these behaviours should have to think twice before doing so because of the possible criminal sanction.'*

*'Educating a child to hate the other parent must be a crime. Children in Nazi Germany were raised in hatred of Jews or Gypsies, for example. In Stalin's time, they were educated in hatred of the citizens of the west.'*

*'It is a form of psychological abuse and thus a form of domestic violence. Alienators isolate and terrorize their victims into submission.'*

*'We are backward - this should be in the new DA bill. Brazil made PA illegal years ago. Sweden prevents PA where possible through shared parenting. It's child abuse.'*

*'The intentional crime is to abuse the ex-spouse of their parental identity and any parental role. The unintentional crime is to inadvertently damage the emotional development of the child, leaving life-long emotional disfigurement.'*

*'Parental alienation is child abuse and domestic abuse. As stated previously the extreme psychological damage it does is long-term and, at least for the child, is difficult to overcome.'*

However, some respondents disagreed. Included here are a small number of comments but those that sum up the general feeling:

*'To create a second even longer criminal track after the long civil process, one with virtually no preventive influence or punitive consequence, is to waste even more harmful years of a child's life and the parents' or state's money.'*

*'I'm conflicted on this. C79 requires proof beyond reasonable doubt, which already is the criminal proof required. However, proof is very difficult to obtain as it is mostly circumstantial. C79 should permit enforcement with the evidence available.'*

*'I hesitated about this answer and have stated 'no' on the basis of a potentially incorrect belief that severe cases would not be devoid of other legal issues.'*

*'Because given the current lack of awareness and training of judges, lawyers, social services and a significant minority of "experts", it would lead to mistakes. It already does.'*

*'Although PA is a domestic abuse issue which causes untold psychological damage to an affected child and need robust management to protect that child, labelling PA as a crime will not specifically help with successful case management.'*



*'I have ticked yes - but not in all cases. I think on occasions mental illness can play a part. The badmouthing of one parent can and is done over many years. It is hard not to think of it as anything other than abuse.'*

*'In most cases it would not be possible to attribute causal responsibility to one person as more often than not cases of parental alienation involve a complex mix of factors involving both parents and the characteristics of the children.'*

Cafcass' corporate response stated:

*'We do not believe that a change in legislation would be effective in such complex situations. Defining one parent in terms of their criminality can often make the child in question feel worse about their situation and their relationship to the criminalised parent. In any event, a stronger evidence base is needed before workable and constructive legislation might be framed.'*

*Even though it is not specifically mentioned in UK legislation, the court does recognise parental alienation and will take action in line with what is judged to be in the child's best interests. The Children Act 1989 has provisions to deal with alienating behaviours and their impact on the welfare of the child. The court has an obligation to take measures to reconstitute the relationship between the parent and child where one parent has sought to eliminate the other parent from the child's life without good reason (see case *Q (A Child)* [2015] EWCA Civ 991). If alienating behaviours are found in family court proceedings, the court may recommend specialist support to assist with rebuilding relationships, and in some extreme cases, may move the child from living with the alienating parent to living with the other parent, after a period of rehabilitation of the relationship for the child (see case *H (Children)* [2014] EWCA Civ 733).*

*We ensure that we keep up to date with emerging views on alienation, such as work undertaken at the Anna Freud clinic in London where they prefer not to adopt the term 'alienation' and instead advocate a range of interventions based on mentalisation concepts. In international research, the work of Dr Matt Sullivan also questions the single factor approach of conceptualising alienation within a family.'*

In turn, respondents were asked to identify **what features organisations could employ to improve how parental alienation is effectively responded to**. From the highest ranked to the lowest, responses are shown in Table 5.

**Table 5: Respondents' views on organisational aspects to improve responses to parental alienation**

Organisational aspect	Response rate
Work in multi-disciplinary teams with lawyers, mediators, counsellors and social workers	25 (86.2%)
Are staffed with at least one expert trained in parental alienation	23 (79.3%)
Work with victims to break the cycle of abuse	23 (79.3%)
Work with perpetrators to break the cycle of abuse	23 (79.3%)
Are specifically designed to put children's needs first (taking into account their stated needs, but in the wider context of what is best for them medium to long term)	22 (75.9%)
Carry out prevention work in the local community, regionally and nationally	22 (75.9%)
Are specifically designed to tackle the behaviours of alienators	20 (69%)
Have specially designed interview rooms for observation, assessment and intervention for alienated parents and their children	19 (65.5%)
Collaborate with local agencies to prevent parental alienation	19 (65.5%)
Provide emergency support to victims of emotional and psychological abuse	19 (65.5%)
Have specially designed interview rooms for observation, assessment and intervention for alienators and their children	18 (62.1%)
Operate from all media platforms	13 (44.8%)
Provide child care and a safe space for children	12 (41.4%)

Respondents were asked if they had any suggestions as to what might **prevent parental alienation**. Three themes emerged, those of awareness raising and knowledge transfer; family law reform; and early assessments and triage by clinical psychologists. Many of the comments received overlap these themes, for example, it can be seen that family law reform is accompanied by training for court actors.

### **Awareness raising, training and knowledge transfer**

*'Early transfer of knowledge in positive parenting in schools at all levels.'*

*'Stop using the term 'PA'. Instead describe the harmful cutting off of a child from those who love & care for them.'*

*'Help in spotting the warning signs early on would be useful too.'*

*'Judges being trained in it and having the courage to call it out early; Lay Judges not hearing cases where PA is alleged; Cafcass and Social Services being given training.'*

*'In part, education... [...]...A change in the prevailing culture of conflict.'*

*'Anyone working in the family courts must have at least 40 hours of extensive, intensive training specific to alienation, psychological abuse and psychological splitting.'*

*'Courses such as the separated parents' information programme to show the damage the behaviour is having on the child.'*

*'Addressing abuse in relationships. Helping women who are trying to keep their children safe from abusive men who are using the courts to further abuse the mother of their children.'*

*'... Understanding narcissistic personalities which are very frequently part of the alienator's persona is an important area to understand.'*

*'In the cases I have read and my own case, the perpetrator has severe mental illness and therefore parental alienation is not preventable. The best we can do is make people aware of the signs of parental alienation and allow schools, neighbours, parents etc to call in and get help from the onset. A much wider promotion and understanding of the importance of both parents in a child's life and a societal norm that condemns actions to fracture the relationship of a child with a safe parent. Very early stage parenting education and support.'*

*'I suspect that some work with parents about the psychological impact on children may assist as some parents may not be aware of how this can affect their children. Training within the community on the types of behaviours that would be considered to be alienating.'*

## Family law reform

*'Reform so that private family law is not where parents go. Prepare & resource child protection services to respond to this urgent safeguarding situation, & to follow it through to sustain ties with both families. Family lawyers, as all other professions, must promptly refer concerns of risk to child protection since private family law can't be a frontline safeguarding agency.'*

*'A mandatory joint shared custody law (alternate weeks). Prohibit change of residence and / or school during separation process. Warning to parents that making parental alienation amounts to prohibiting contact with the child, immediately. Loss of parental rights to whoever practices parental alienation.'*

*'Making sure that the professionals including the court's players are not corrupt and easily bought off.'*

*'Consequence: points system like a driving license. 3 points warning and consequences, proof of promoting shared parenting, more time to other parent, PA course. 6 points - court ordered therapy and child goes to other parent while parent at therapy. 9 points transfer of residence.'*

## Early assessments and triage by clinical psychologists

*'Early triage.'*

*'Take social workers away from making any assessments of parental alienation. It must be handed to a clinical Psychologist with contact maintained while findings of fact are carried out expediently. Supervision of contact should take place if allegations of abuse are made. False allegations of abuse/parental alienation should be treated as hate crimes and prosecuted.'*

*'Mediation has a role to play if an appropriate model is used. Specialist therapy services.'*

There followed two questions to explore **remote working during the Covid-19 lockdown**. The first asked for **experiences of responding** to allegations of parental alienation, for example, if any additional barriers had occurred and how they had been addressed. Only two respondents stated they had no cases of parental alienation during this time. The most overwhelming response was that clients used lockdown as an excuse to prevent contact with the non-resident parent and for perpetrators to further abuse their victims.

*'Heard from many parents that Covid-19 is being used as an excuse to prevent contact ... Court processes have slowed coupled with parents not knowing how to find remedy.'*

*'The worst possible, from own experience and from others I know, alienators used it as another excuse to extend alienation for at least half a year and courts, not understanding the*

*severity of PA and the modus operandi of alienators, implicitly sided with them by considering these cases of lesser importance.'*

*'Covid 19 introduces scope for more fear-mongering on the basis that doing so can effectively interfere with visitations, and reinforce self-proclaiming ideas as to which parent is a better parent.'*

Secondly, family court delays seemed to be the greatest institutional barrier, for example:

*'Court waiting times have meant making an application to move matters forward and get the court's involvement is impossible.'*

*'Every Family Court has been effectively told to shut down cases of breaches of contact orders as a result of Covid. It is a national disgrace that our Courts should respond in such a feeble way.'*

*'NACCC have used virtual supervised contact. There have been parents trying to stay in the contact area however centres have worked hard to put plans in place so the alienating parent is not in the room at the time of contact. It has also been noted when a parent has been in the contact area and this has been recorded in contact notes for the courts.'*

However, one respondent stated that in some cases *'virtual family courts can be more appropriately authoritative when Covid has been used to stop family time with the other parent.'*

The second question to explore remote working during the Covid-19 lockdown asked respondents **what additional support would have been helpful for children** subject to parental alienation during this time. Two key themes emerged, those of personal care, therapy, and safety, and improvements to virtual family courts by stricter enforcements of breaches of orders.

### Personal care and therapy

*'Online self-soothing and safety training.'*

*'Safe space away from both parents with access to parental alienation therapist.'*

*'Organisations such as Voices / kids in the middle rung by young people operating across different media platforms.'*

*'Daily telematic [sic] contact with a therapist.'*

*'NACCC have provided additional support in terms of virtual contact throughout lockdown. Talking to the child alone can also help to overcome the ideas they present with. The courts have been quite specific that they would not take lightly parents preventing contact from taking place virtually/in person without a good reason for doing so. Counselling should be provided for children after any intervention session.'*

### Improvements to virtual family courts

*'More hearings. Most of the time the courts are happy to delay hearings in order to get it out their list.'*

*'Courts should respond robustly to breaches of orders - and not apply the inappropriate and unsuitable standards of enforcement.'*

*'To continue to move between houses of parents, to continue with order or enforcement, to have a special virtual court team issues of blocking contact.'*

*'Enforcement of court orders ensuring the marginalised parent was still able to maintain their direct relationship with their children.'*

*'Judges enforcing contact orders and harsher punishments for the alienating parent.'*

The final question in this section asked respondents to describe what **evidence of effectiveness** their service has. They were asked to draw on, for example, service evaluation reports, client satisfaction survey results, testimonials, qualitative and quantitative evidence of outcomes. The main themes to emerge from responses include those of 'informal and anecdotal', 'parent feedback on internet materials' and 'no evidence of effectiveness gathered'. For example:

### **Informal and anecdotal evidence of effectiveness**

*'I could paper our offices with the thanks that we receive for the little time that we can offer people. We are the only not for profit law firm in England. We will continue to help as much as we can; we will continue to provide as much free and cost effective advice as possible; we will continue to facilitate other firms to assist through our platforms. But our efforts are fruitless without Cafcass and the Judiciary recognising PA/negative influence as unacceptable and a harm to the child. That is the missing piece of the jigsaw.'*

*'30 years of satisfied clients. Over 3000 easily. Continuous referrals and accolades.'*

*'I have great success with non-PA clients. PA clients, due to the system, often loose contact with their children like a living bereavement. I sometimes feel like I am in cancer care in the early days when it could not be treated, holding their hand and preparing them to handle the worst. There must be early identification of the signs (like those of a stroke) then early triage to specialist court, urgent and firm action of court ordered reported therapy and more time with alienated parent not less. We then need to compare and assess the efficacy of the different therapies out there (much the same as we do with cancer). PA must be made illegal as child abuse and domestic abuse. We also need to address through criminal court process false allegation, and false allegation of PA also need to be addressed.'*

*'Judging by repeat court instructions and requests from solicitors, barristers/QCs specialising in this field we have established an enviable reputation for the quality of psychological assessments and nuanced advice we provide in family courts. In many cases a thorough psychological assessment can lead to action plans and support that can resolve what appears to be an intractable contact dispute. However, long running cases and cases involving older adolescents can be very difficult to resolve.'*

### **Parent feedback on internet materials**

*'We provide written material on parental alienation on our websites (and in our book). We ask parents to rate the articles we post up. All the material we post on PA is described as helpful.'*

*'Customer feedback; data on mediation outcomes; mediator feedback. The service would need to be directly approached for evidence.'*

### **No evidence of effectiveness gathered**

*'We do not produce data other than in publicly funded cases - we do have data available but do not analyse it routinely.'*



*'Saving parents' lives and helping them to move forward in their life while they fight for their rights to be a parent to their children.'*

*'This information would have to come from the contact centres themselves. NACCC are the regulating body for child contact centres and therefore we accredit and support centres but we do not have any part in the day to day running. We develop the service for the centres and risk-assess families that use the centres and at which level they should be supported or supervised.'*

The corporate response from Cafcass stated:

*'The Cafcass Annual Report and Accounts 2019-2020 is due to be laid before Parliament in September 2020 and will be published on the Cafcass [website](#).*

*In March 2018 Cafcass was inspected by Ofsted for the second time. Ofsted rated Cafcass as 'Outstanding' and praised the continuous improvement against a backdrop of rising demand since Cafcass' last inspection in 2014. This took place before the CIAF was rolled out to staff, but the CIAF brought together existing tools and guidance which were highlighted by the inspectors. The success of the CPPP intervention was also mentioned in the report:*

*"A creative, solution-focused approach underpins leaders' success in supporting their staff to provide an excellent service to children and the family courts. Innovation is particularly strong in private law work. London's highly accomplished and influential private law assistant director is forging new ways of working in this complex and often emotionally fraught area of practice, for example by developing the award-winning domestic abuse pathway. In addition, the positive parenting programme and the parental alienation pathway are helping parents understand the impact of their acrimony on their children."*

*The full report is available [here](#).*

*We are also exploring how we can improve our data capture on outcomes in three respects: more information on the arrangements made for children in legal orders (as opposed to the type of order made); better feedback on children's experience after a case ends; and an ability to analyse the above by various factors, including the presence of case factors (alleged or substantiated) such as child refusal and alienating behaviours.'*

## 4.5 Summary

In summary, family law processes were said to be extremely ineffective. Outcomes from family court were rated as extremely poor generally, as were outcomes for children experiencing parental alienation. There seemed little ability by respondents to cite any published cases that resulted in either good or poor outcomes for children affected by alienation. This seemed to be because cases having poor outcomes do not reach high court and so are unlikely to be published. There were mostly negative views on the family court's response to breaches of court orders, with respondents citing a lack of penalties against the person committing the breach. Family court hearings using CVP during Covid-19 lockdown were considered most unfavourable.

Lawyers seemed to be the most common source of referral to mediation, with most doing legally aided work. Alongside mediation, adult counselling, child consultation (as opposed to counselling), contact support, separation coaching and shared parenting coaching were all offered. Whilst some reported accepting new ways of working as a direct impact of Covid-19, many respondents found online mediation difficult.



Referrals for parental alienation cases were received by therapists from mediators, courts, organisations, the internet, other professionals, word of mouth, lawyers, BACP counselling directory and self-referral. In terms of interventions offered, respondents said it is unhelpful to focus on alienation as a phenomenon and to view each case on its merits. Key components of interventions for parental alienation included critical and analytical thinking skills, psychoeducation, conflict resolution, relationship support, de-escalation, acceptance and understanding, mindfulness and meditation, and stress management. However, keeping an open mind and listening very carefully is important. Respondents were generally dissatisfied with the effectiveness of therapeutic interventions for parental alienation, and remote therapy during Covid-19 lockdown was not considered helpful.

Ambiguity over and acceptance of the term 'parental alienation' seemed to result in restricted or confused understanding of which practitioners are able to competently address the issue. Yet three quarters of respondents stated that they know of practitioners (therapeutic or mediation) who deliver interventions that address parental alienation in the UK, and whilst some were named, others were not, which gives no clear knowledge of where to signpost families troubled by alienation. The majority of respondents said that they signpost cases involving parental alienation to either solicitors or social services, indicating the necessity for expert legal intervention.

Very few respondents have an assessment framework for identifying parental alienation, with most resorting to their own years of experience and the published work of academics and practitioners in the literature in order to effectively deal with it. Less than half had received training in parental alienation, which they had accessed as a result of interest and experience. The only evidence of service and/or intervention effectiveness was informal and anecdotal, and parent feedback on internet materials.

Training was rated by respondents as generally satisfactory. However, it was viewed more as awareness-raising as opposed to formal training. The majority of respondents have not delivered training on parental alienation. The majority of respondents had been involved in cases involving implacable hostility, although when asked of their understanding of the difference between implacable hostility and parental alienation, there was confusion over each term. The majority of respondents believed parental alienation to be a serious safeguarding issue. Some views suggested the non-existence of parental alienation based only on lack of a formal definition and also that it is an alleged gendered matter.

Over half of respondents stated that the family court is the right place to make decisions for a child, and most respondents believed that parental alienation should not be classified as a crime, mainly because parental alienation is already a crime of emotional child abuse. Working in multi-disciplinary teams with lawyers, mediators, counsellors and social workers was considered the most effective way of addressing parental alienation. The prevention of parental alienation included awareness raising and knowledge transfer, family law reform and early assessments and triage by clinical psychologists.

The most overwhelming response to questions on the impact of Covid-19 was that resident parents have used lockdown as an excuse to prevent contact with the non-resident parent and for perpetrators to further abuse their victims. Additional support for children subject to parental alienation during lockdown was said to be personal care and safety and improvements to virtual family courts. Very little evidence of respondents' service effectiveness was provided.

## 5 Conclusions and recommendations

When linking the literature review with survey responses, insights have emerged of different understandings of PA, current systems and interventions, as well as pointing to the need for further investigation and research.

- C1 Evidence from this research suggests that the family court – at least in its current form – is an unsatisfactory mechanism for effectively addressing parental alienation. Whilst it is the only legislative system that has the statutory power to compel behavioural change, the system is not used as well as it could be. Parental alienation can be conceptualised as child abuse and therefore a safeguarding issue; bringing such cases before the family court for it to resolve alone throws it into a contested dispute between parties. Whilst 55.2% of respondents think that courts are the right place to make decisions in relation to parental alienation, there is also strong evidence for the need for significant reform of the court system, in order to significantly reduce the potential for the courts and legal processes to exacerbate existing conflict and harm to children.
- R1 The power of the courts to enforce orders in severe and intractable cases is under-utilised. Judges should consider making better use of their powers, and more often, to enforce child arrangements orders when they are breached in order to reduce the influence of the alienating parent.
- R2 Family court reform would need to address lengthy delays, lack of judicial continuity, lack of training, and knowledge and understanding of effective interventions. Whilst training is provided to high courts, there is a need for lower court education and guidance. This appears to be filtering through but slowly. A better coordinated approach with practitioners from all fields working together under the direction of the family court, before cases move to appeal to the higher court, seems the best approach to tackling parental alienation.
- C2 The influence of the gendered argument appears to persist in both the literature and survey findings, with the view that parental alienation is not a real phenomenon and/or is nothing more than something used as a legal strategy in opposition to claims of domestic abuse. As a result of this, facts, within family court processes, can be hard to discern.
- R3 A far clearer protocol, risk assessment and guidance are required for identifying parental alienation in cases where domestic abuse is claimed, so that only 'true' parental alienation cases (where there is no evidence of abuse from the alienated parent) are dealt with swifter measures. See R8 where the DASH risk assessment may be amended to identify where children are affected by domestic abuse if they are also subject to parental alienation behaviours.
- R4 It has been noted by many that parental alienation should be debated as a form of domestic abuse and be included in the UK statutory definition of domestic abuse. This is because when parental alienation is legally acknowledged, highly specialist training can be rolled out across the UK, with a thorough and accredited training programme of delivery.

- C3 It appears from the literature and survey responses that some training opportunities for parental alienation may be limited to awareness-raising and pursued mainly by those with an existing interest in the subject; although there are exceptions. Training in how to effectively address and combat parental alienation for family court actors appears to be lacking, reserved only for the higher appeal court.
- R5 A new training programme is required for all lower family court judges and magistrates on the impact on the child of alienating behaviours. Guidance on swifter measures for therapeutic intervention for the child and alienated parent is required, as is psycho-education and parenting programmes for the alienating parent.
- R6 Cafcass social workers, Family Court Advisors, and mediators also need more robust and readily available routine training, in order that they can keep abreast of up-to-date knowledge on conceptualising and identifying parental alienation, its impact, and the practical implications of working with people affected by it within their job roles. They also need to be aware of what effective interventions are available in their area to better inform the courts of what to include in Orders.
- R7 Given the high number of alienation cases, consideration could be made to including core training on Social Work degrees in the UK. Courses for psychology, mental health, law, social work and child care in further education colleges and universities could make good use of a short video which clearly describes and explains the phenomenon and impacts of parental alienation. This video can be found here.
- C4 There appears to be no one validated and standardised assessment tool for identifying parental alienation. This is combined with remaining confusion by many over the use of terminology and the point made that professionals may be dealing with cases involving alienation without recognising or categorising them as such, though this was not necessarily seen as a problem by respondents.
- R8 The data from this research do not provide any solutions to the confusion surrounding swift and effective assessment and identification of true alienation cases. However, the DASH risk assessment<sup>38</sup> for domestic abuse provides a blueprint for what is possible to develop in relation to identifying and assessing parental alienation. It is recommended that steps be taken to develop such a clear and robust assessment tool. Following this, clear and localised pathways of referral would ensure parties involved receive the most appropriate, high quality intervention and support. This will ensure cases are dealt with swifter in the family courts and interventions appropriately authorised.
- C5 Delivering the right interventions to support those affected by parental alienation can only be made possible when all sectors work together. Current therapeutic interventions for parental alienation are lacking in the UK. The only notable specialist intervention for the impacts of alienation on the child provided in the UK is the Family Separation Clinic in London. Whilst the authors of this report understand that the Anna Freud Centre and the Tavistock Clinic run programmes for alienated parents,

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<sup>38</sup> The DASH risk assessment for domestic abuse can be found here:  
<https://www.dashriskchecklist.co.uk/>

neither appear to have had peer-reviewed published works to validate the interventions they deliver and the Tavistock was mentioned only once in survey responses. However, the work of the Family Separation Clinic has not been independently evaluated; drawing conclusions on the effectiveness of this intervention has therefore not been possible within the constraints of this research.

- R9 The conceptualisation of parental alienation according to a medical model should be discouraged, as this is not proving helpful in the current court system or elsewhere. Instead, addressing this through the lens of family conflict, relational trauma, psychological health and, where necessary, safeguarding would open up more space for mechanisms which can address the phenomenon and its impacts more adequately and effectively. Theorists and academics can be supportive in this endeavour.
- R10 Funding is required to undertake robust and bespoke evaluations of current interventions for parental alienation. This includes the Cafcass Positive Co-Parenting Programme, Cafcass CIAF and its related raft of assessment tools and the work of the Family Separation Clinic and others. Only objective (therefore external) and robustly designed evaluations will determine evidence-based assessments of what works, for who, how and in what circumstances. Therapeutic support requires facilitation by family court Order, to ensure that the required and necessary engagement is achieved.
- R11 There may be a case for mediators and therapists to work together in clearly defined roles, where mediators act as relationship and arrangement navigators, and therapists act as change agents for distorted thinking/cognitive processes and associated feelings and behaviours.

### 5.2.3 Further research

- Research is needed on social workers' and family court advisors' understanding of parental alienation and what interventions they are aware of both outside and inside of the family court system. Knowledge of how they experience and deal with allegations or issues of alienation, the strength of evidence they have relied upon, their perceived impact of alienating behaviours on children and their perceived training needs would help inform education and practice development.
- There is a distinct absence in the academic research literature of the voices of alienated children and those affected by parental alienation (although blogs and videos are shared within networks and on media platforms). Further research using qualitative case study designs would help to develop a deeper understanding of how parental alienation is experienced, which may in turn shed further light on the 'what works?' and 'what does not work?' aspects of addressing parental alienation from the people it affects the most.
- Given the prevalence of parental alienation in the UK and what is already known about the profound impact of parental alienation on both the child and the targeted parent, there is a need to inform social work education across the Higher Education sector. Research is needed to explore the extent to which parental alienation is already included in professional degrees.
- The literature shows that many social workers, mental health professionals, psychologists and family court judges believe that shared parenting is beneficial for most children of separated parents. If this is accepted, research is needed to explore and explain the circumstances in which shared parenting are more or less likely to be beneficial for the children.
- A thorough review and structured in-depth analysis is needed of UK case law where parental alienation is a factor. This will not only highlight the precedent which says that judges must take action before alienation becomes established and ingrained but will demonstrate how this precedent plays out in future cases. This review would need to be supported with qualitative research with key people who are working in high court cases with alienated children and families. Knowledge at this level, of those who are working with the most effective interventions and who are processing cases rapidly, needs to be shared more widely in order to support better training and assisting cases to move more swiftly through the lower courts.
- In North America, the use of focused therapeutic programmes in the form of camps and retreats over a number of days appears from the literature to be effective in combating parental alienation. It seems that further research could invest in scoping the potential to develop similar interventions in the UK which already has school holiday camps and activity centres within the UK.

## 6 Research limitations

The literature review for this study was limited to giving ‘a flavour’ of the evidence. Because of this, and because more books, practice papers and peer-reviewed journal articles are being published every day, some literature will be missing. Add to this a small survey response rate and the resulting data are insufficient to draw firm conclusions and recommendations, although an attempt to draw insights has been made. This report may therefore not provide a complete and true picture of what is happening in the UK.

The literature review for this study was conducted in a rapid manner in view of the short timescale of the project and was also impacted by the Covid-19 pandemic. The search for literature was therefore focused, with subsequent review and analysis given specific attention. Midway through the review, it became noticeable that many of the studies identified in the review of therapeutic interventions would not be sufficiently robust when judged against the National Institute for Clinical Excellence evidence-based guidelines checklists. We therefore urge caution in evaluating the findings and also in light of their implications for practice.

The survey response numbers were very low and disappointing. This may be due to the impact of the Covid-19 pandemic and representative bodies having moved from centralised offices to working from home plus their likely preoccupation with supporting the development of online services for individual practitioners which would have taken priority. Certainly, as far as distribution is concerned, the sudden move to home working made it difficult (sometimes impossible) to make direct contact with the relevant people in those organisations we were relying on to distribute the survey. Contact by email provided limited opportunity to ensure that we were reaching the right people at the right time for effective distribution. One national body distributed the survey to its members at the end of their monthly newsletter – which was unusually full with other items that month and, anecdotally, we are aware that many practitioners who would have had a keen interest in the topic simply did not notice the survey.



## Afterword

The effects on some child victims and survivors of being alienated from one of their parents when it is brought to the family court in the UK is devastating, both in the short-term and long-term. Some of the responses to this study's online survey sum up the harms done to children.

*'Through the failures of [statutory services and the courts] my children have been psychologically abused for 12 years. I have been powerless to prevent the harm caused.'*

*'Adults who were children ignored due to PA accusations during court proceedings need long term support for significant childhood trauma and consequential future relationship difficulties. Many present with distrust of facilities designed to help them. Most have difficulties trusting partners or picturing themselves in long-term relationships.'*

*'My son is now a Bachelor of Science despite the terrible, terrible ordeal we went through as a family and is trying to overcome his emotional problems (an eating disorder).'*

But the final word in this report is given to a woman who, as a child, experienced over nine years the multiple harms caused by a statutory system considered by many to be unfit for purpose until a radical overhaul is made to the UK family court process. Rosy Stanesby spoke at the *Children Screaming to be Heard Conference* in London on 23 April 2016. Her views can be heard [here](#).

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## Appendix I                      Online survey

### **National survey on parental alienation**

By undertaking this survey, you are indicating that you:

- Have read and understood the Participant Information Sheet regarding this research project, particularly that you understand:
- That if you have any additional questions you can contact the research team; That you are free to withdraw at any time during the survey without penalty; The procedures regarding confidentiality, e.g., the anonymisation of data;
- That non-identifiable data from this project may be used in future research projects; The use of the data in research, publications, sharing and archiving;
- That you are eligible to take the survey as you work, do research or volunteer in the violence prevention and/or intervention sector or that you have experience of parental alienation;
- That if you have concerns about the ethical conduct of the research project you can contact the Dean of Research, Professor Silke Machold, at S.Machold@wlv.ac.uk 01902 323970; and
- That you voluntarily agree to participate in the study.

Click NEXT below if you are eligible and you consent to take the survey.

Page 1

Q1      Which main field of practice do you work in? Please note your response will take you to the appropriate section of the survey, thus saving time. Required

If you selected Other, please specify:

#### **Section A To be completed by respondents who work in the legal/social work sector**

QA1      What is the full name of the organisation you work for? Optional

QA2      Tick the option which best describes your role Required

QA3      How do you currently rate the effectiveness of family law processes?  
Required

QA4      How do you currently rate outcomes from family court generally?  
Required

QA5      How do you currently rate outcomes from family court for children experiencing parental alienation? Required

QA6      Have you been involved in any cases in which you have identified that parental alienation is a factor? Required

If you selected Other, please specify:

QA7      Have you been involved in any cases in which parental alienation has been alleged and where the Court delivered a sanction when the alleged alienator breached one or more Court Orders? No personal and/or identifiable details please. Required

QA7a      What sanctions have been delivered by the Court (please rank from most frequent sanction to least frequent sanction if you can) Optional

If you selected Other, please specify:

QA8 Please cite 1 or 2 published cases of which you are aware that resulted in, in your opinion, GOOD outcomes for child(ren) affected by parental alienation. Please state why you think these were GOOD outcomes. No personal and/or identifiable details please. Optional

QA9 Please cite 1 or 2 published cases of which you are aware that resulted in, in your opinion, POOR outcomes for child(ren) affected by parental alienation. Please state why you think these were POOR outcomes. No personal and/or identifiable details please. Optional

QA10 What has been your experience of remote family court hearings using the Cloud Video Platform (CVP) in family courts during COVID-19 lockdown? Optional

QA11 Do you also work as: Required

### **Section B To be completed by respondents who work in the mediation sector**

QB1 What is the full name of the organisation you work for? Optional

QB2 Please describe your role ☐ Required

If you selected Other, please specify:

QB3 Where do you receive referrals from? ☐ Required

If you selected Other, please specify:

QB4 What kinds of work do you undertake? ☐ Required

If you selected Other, please specify:

QB5 Do you / your organisation offer other interventions alongside / in support of mediation? ☐ Required

If you selected Other, please specify:

QB6 How many mediation cases involving children do you / your organisation deal with annually? Optional

QB7 What has been your experience of delivering mediation during COVID-19 lockdown? Required

QB8 Do you also work as a therapist or counsellor? Required

### **Section C To be completed by respondents who work in the therapeutic/counselling intervention sector**

QC1 What is the full name of the organisation you work for? Optional

QC2 Please describe your role Required

If you selected Other, please specify:

QC3 Where do you receive referrals for parental alienation cases from? Required

QC4 Please describe your clients (e.g., families, individuals, young people, high conflict couples, alienated parents, alienators, alienated children, etc) Required

QC5 Please describe the interventions you offer, including the name of intervention, theoretical underpinning, whether and how it is tailored to the specific needs of those affected by parental alienation Required

QC6 What are the key components or 'ingredients' of your interventions for parental alienation, e.g. critical thinking, psychoeducation, conflict resolution, relationship support, de-escalation? Required

QC7 How does your service work as part of a multi-disciplinary team, or with other fields of expertise? Required

QC8 How satisfied are you with the effectiveness of therapeutic interventions for parental alienation? Required

QC9 What has been your experience of delivering therapy during COVID-19 lockdown? Required

**Section D All respondents, please answer all questions**

QD1 Do you know of any practitioners and/or therapeutic or mediation interventions that address parental alienation in the UK? Required

QD1a Please list all practitioners of therapeutic or mediation interventions that you are aware of that address parental alienation in the UK. Optional

QD2 Have you ever signposted cases involving parental alienation to other services?

If you selected Other, please specify:

QD3 Do you or the organisation you work for have an assessment framework for identifying parental alienation? Optional

QD3a Please describe this assessment framework, and your use of it. Optional

QD4 Have you received training in parental alienation? Optional

QD4a When, and from whom, did you receive training in parental alienation? Optional

QD4b How did you rate your training in parental alienation? Optional

If you selected Other, please specify: Optional

QD5 Have you delivered training on parental alienation? Required

QD5a Please tell us the names of organisations you have trained. Optional

QD6 What is your understanding of the difference between implacable hostility and parental alienation? Required

QD7 Have you been involved in cases involving implacable hostility?

If you selected Other, please specify:

QD8 Do you believe parental alienation is a safeguarding issue? Optional

QD8a Please explain your answer Optional

If you selected Other, please specify: Optional

QD9 In your opinion, is the family court the right place to make decisions for children when parental alienation is a factor? Required



QD9a Please explain your answer. Required

QD10 Do you believe that parental alienation should be classified as a crime?  
Required

QD10a Please explain your answer Required

QD11 In your opinion, which of the following aspects of organisations could improve how parental alienation is effectively responded to? Organisations that (tick all that apply). Required

- Provide child care and a safe space for children
- Have specially designed interview rooms for observation, assessment and intervention for alienated parents and their children
- Have specially designed interview rooms for observation, assessment and intervention for alienators and their children
- Work in multi-disciplinary teams with lawyers, mediators, counsellors and social workers
- Provide emergency support to victims of emotional and psychological abuse
- Operate from all media platforms
- Are staffed with at least one expert trained in parental alienation
- Carry out prevention work in the local community, regionally and nationally Collaborate with local agencies to prevent parental alienation
- Work with victims to break the cycle of abuse
- Work with perpetrators to break the cycle of abuse

QD12 Do you have any suggestions as to what might prevent parental alienation? Optional

QD13 Please tell us about your experience of responding to allegations of parental alienation during COVID-19 lockdown? For example, what additional barriers have there been and how have these been addressed?

Your answer should be no more than 500 characters long.

QD14 In your opinion, what additional support would have been helpful for children subject to parental alienation during COVID-19 lockdown?

### **Section E Demographic Information (Please note that QE3, QE4 and QE5 are optional)**

QE1 In which county of the UK do you work? Required

Avon	Greater London	Norfolk
Bedfordshire	Greater Manchester	Northamptonshire
Berkshire	Hampshire	Northumberland
City of Brighton and Hove	Hereford and Worcester	North Humberside
Buckinghamshire	Herefordshire	North Yorkshire
Cambridgeshire	Hertfordshire	Nottinghamshire
Cheshire	Humberside	Oxfordshire
Cleveland	Huntingdon and	Rutland
Cornwall	Peterborough	Shropshire
Cumberland	Huntingdonshire	Somerset
Cumbria	Isle of Ely	South Humberside
Derbyshire	Isle of Wight	South Yorkshire
Devon	Kent	Staffordshire
Dorset	Lancashire	Suffolk
Durham (County Durham)	Leicestershire	Surrey
East Suffolk	Lincolnshire	Sussex
East Sussex	London	Tyne and Wear
Essex	Merseyside	Warwickshire
Gloucestershire	Middlesex	West Midlands

Westmorland

QE2 In which geographical context do you work? Required

QE3 What is your gender?

QE4 How would you describe your ethnic background? Optional

QE5 In what age group do you belong?

QE6 How many years have you worked in this or a related role?

QE7 Please tell us what evidence of effectiveness your service has. Please draw on, for example, client satisfaction survey results, testimonials, service evaluation reports, qualitative and quantitative evidence of outcomes. If you have permission to share these reports, we welcome receipt of this evidence at the contact email address provided at the end of the survey.

### **REMINDER OF CONSENT**

By submitting this survey, you confirm that you have read and understood the Participant Information Sheet regarding this research project, particularly that you understand:

- That you are free to withdraw at any time during the survey without penalty.
- The procedures regarding confidentiality, e.g., the anonymisation of data.
- That non-identifiable data from this project may be used in future research projects.
- The use of the data in research, publications, sharing and archiving.
- That if you have concerns about the ethical conduct of the research project you can contact the Dean of Research, Professor Silke Machold, at [S.Machold@wlv.ac.uk](mailto:S.Machold@wlv.ac.uk) 01902 323970.

Thank you for taking the time to complete this survey. Your responses will make a valued contribution to research in the field of parental alienation. If you have any questions about this research or would like to discuss any of the issues within the survey, please contact the Principal Investigator Dr Angela Morgan at [Angela-Morgan@wlv.ac.uk](mailto:Angela-Morgan@wlv.ac.uk)

## Appendix II Sources of information and support

There are many sources of information and support for parental alienation in the UK and abroad including:

- <https://www.eapap.eu/>
- <https://www.childline.org.uk/>
- <https://napac.org.uk/>
- <https://www.nspcc.org.uk/>
- <https://www.samaritans.org/how-we-can-help/contact-samaritan/>
- <https://www.victimsupport.org.uk/>
- <https://www.familyseparationclinic.com/>
- <https://thealienationexperience.org.uk/>
- <https://pasg.info/>
- <https://www.beyondparentalalienation.com>
- <http://nationalassociationofparentalalienationspecialists.com/>
- <https://www.simplyparent.org/>
- <https://isnaf.info/>
- <https://www.pas-intervention.org/>